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LETTER DATED 15 DECEMBER 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In my letter of 18 March 1999 (S/1999/339), I informed you and the members of the Council of my intention to set up an independent inquiry into the actions which the United Nations took at the time of the genocide in Rwanda in 1994. I indicated to you that I would be grateful for confirmation that the Security Council supported this important undertaking. In your reply of 26 March 1999 (S/1999/340), you informed me of the support of the Security Council on the proposed course of action.

In pursuance of the above, I established a commission which was chaired by Ingvar Carlsson, former Prime Minister of Sweden and included Han Sung-Joo, former Foreign Minister of the Republic of Korea and Lieutenant General Rufus M. Kupolati of Nigeria. The commission worked tirelessly and efficiently on the task assigned to it.

Attached please find a copy of the report of the Independent Inquiry. I would appreciate it if you could bring it to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

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Annex

Letter dated 15 December 1999 from the members of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda addressed to the Secretary-General

The Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda hereby has the honour to forward the attached report, which is presented in accordance with the mandate given to the Inquiry in your letter to the Security Council dated 18 March 1999. The members of the Inquiry wish to express our thanks to all those who have cooperated with us and facilitated our work. In this context, we would like to acknowledge the valuable assistance of the Inquiry's two Special Advisers, Elinor Hammarskjöld and Lee Shin-wha.

(Signed) Ingvar CARLSSON (Signed) HAN Sung-Joo (Signed) Rufus M. KUPOLATI

Enclosure

Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda

15 DECEMBER 1999

I. Introduction

Approximately 800,000 people were killed during the 1994 genocide in Rwanda. The systematic slaughter of men, women and children which took place over the course of about 100 days between April and July of 1994 will forever be remembered as one of the most abhorrent events of the twentieth century. Rwandans killed Rwandans, brutally decimating the Tutsi population of the country, but also targetting moderate Hutus. Appalling atrocities were committed, by militia and the armed forces, but also by civilians against other civilians.

The international community did not prevent the genocide, nor did it stop the killing once the genocide had begun. This failure has left deep wounds within Rwandan society, and in the relationship between Rwanda and the international community, in particular the United Nations. These are wounds which need to be healed, for the sake of the people of Rwanda and for the sake of the United Nations. Establishing the truth is necessary for Rwanda, for the United Nations and also for all those, wherever they may live, who are at risk of becoming victims of genocide in the future.

In seeking to establish the truth about the role of the United Nations during the genocide, the Independent Inquiry hopes to contribute to building renewed trust between Rwanda and the United Nations, to help efforts of reconciliation among the people of Rwanda, and to contribute to preventing similar tragedies from occurring ever again. The Inquiry has analysed the role of the various actors and organs of the United Nations system. Each part of that system, in particular the Secretary-General, the Secretariat, the Security Council and the Member States of the organisation, must assume and acknowledge their respective parts of the responsibility for the failure of the international community in Rwanda. Acknowledgement of responsibility must also be accompanied by a will for change: a commitment to ensure that catastrophes such as the genocide in Rwanda never occur anywhere in the future.

The failure by the United Nations to prevent, and subsequently, to stop the genocide in Rwanda was a failure by the United Nations system as a whole. The fundamental failure was the lack of resources and political commitment devoted to developments in Rwanda and to the United Nations presence there. There was a persistent lack of political will by Member States to act, or to act with enough assertiveness. This lack of political will affected the response by the Secretariat and decision-making by the Security Council, but was also evident in the recurrent difficulties to get the necessary troops for the United Nations Assistance Mission for Rwanda (UNAMIR). Finally, although UNAMIR suffered from a chronic lack of resources and political priority, it must also be said that serious mistakes were made with those resources which were at the disposal of the United Nations .

In a letter dated 18 March 1999 (S/1994/339), the Secretary-General informed the Security Council of his intention to appoint an independent inquiry into the actions of

the United Nations during the 1994 genocide in Rwanda. In their reply (S/1999/340), the members of the Council expressed their support for the initiative in this unique circumstance. In May 1999, the Secretary-General appointed Mr Ingvar Carlsson (former Prime Minister of Sweden), Professor Han Sung-Joo (former Foreign Minister of the Republic of Korea) and Lieutenant-General Rufus M Kupolati (rtd.) (Nigeria) to conduct the inquiry.

The Independent Inquiry was given the mandate of establishing the facts related to the response of the United Nations to the genocide in Rwanda, covering the period October 1993 to July 1994, and to make recommendations to the Secretary-General on this subject. The present report is submitted pursuant to that mandate.

The terms of reference stated that the Inquiry should establish a chronology of key events pertaining to UN involvement in Rwanda from October 1993 to July 1994. It should evaluate the mandate and resources of UNAMIR and how they affected the response of the United Nations to the events relating to the massacres. The Inquiry was asked to draw relevant conclusions and identify the lessons to be learned from the tragedy and to report to the Secretary-General not later than six months from the commencement of the inquiry. The terms of reference also stated that the Inquiry would have unrestricted access to all UN documentation and persons involved.

The Inquiry began its work on 17 June 1999.

The mandate of the Independent Inquiry covered the actions of the United Nations as a whole. The task of the Inquiry thus included studying the actions of UNAMIR, the Secretary-General and the Secretariat, as well as the Member States of the organization and the political organs in which they are represented. With respect to actions of Member States, the Inquiry has focussed on positions taken which affected the response of the United Nations to the tragedy in Rwanda. It will be task of other bodies to analyse the broader issues raised by individual countries' positions on the Rwandan issue.

The Organization of African Unity (OAU) and other regional actors played important roles throughout the peace process and during the crisis in Rwanda. The mandate of the Inquiry being focussed on the role of the United Nations, emphasis is placed in this context on the influence which regional actors had on that role. The OAU International Panel of Eminent Persons, whose report is due to come out next year, will no doubt be able to reflect fully all the various aspects of the regional perspective on the genocide in Rwanda.

In the course of its work the Inquiry interviewed a large number of persons with knowledge relevant to its mandate. A list of those interviewed is contained in Annex II.

The Inquiry conducted research into the archives of the United Nations as part of its work. In addition to documents contained in the central archives of the organization, the Inquiry also studied files maintained by different departments within the United Nations, including the Executive Office of the Secretary-General, the Department of Peacekeeping Operations and the Department of Political Affairs, and files from the

archives of UNAMIR. The Inquiry also benefitted from documents and materials made available to it by governmental and non-governmental sources. In a letter dated 8 September, the Inquiry invited all countries which contributed troops to UNAMIR during the period covered by the mandate to make available comments or information to the Inquiry.

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide lays down the criteria for what acts are to be considered a genocide, one of the most heinous crimes which can be committed against a human population. Essentially, the Convention requires both that certain acts have been committed, and that they be done with a particular intent: that of destroying, in whole or in part, a national, ethnic, racial or religious group, as such. The Security Council used the same criteria in outlining the mandate of the International Criminal Tribunal for Rwanda (ICTR), contained in resolution 955 (1994). The ICTR has determined that the mass killings of Tutsi in Rwanda in 1994 constituted genocide. It was a genocide planned and incited by Hutu extremists against the Tutsi.

II. Description of Key Events

Arusha Peace Agreement

On 4 August 1993, following years of negotiations, the Government of Rwanda and the Rwandese Patriotic Front (RPF) signed the Arusha Peace Agreement. The Agreement provided for a broad role for the United Nations, through what the agreement termed the Neutral International Force (NIF), in the supervision of implementation of the Accords during a transitional period which was to last 22 months. Previously, in a letter to the Secretary-General on 14 June 1993 (S/25951), the government and the RPF had jointly requested the establishment of such a force and asked the Secretary-General to send a reconnaissance team to Rwanda to plan the force. The parties agreed that the existing OAU Neutral Monitoring Group (NMOG II) might be integrated into the NIF.

According to the Arusha Peace Agreement, the NIF was to assist in the implementation of the Peace Agreement, especially through the supervision of the protocol on the integration of armed forces of the two parties. The force was assigned wide security tasks: to guarantee the overall security of the country and verify the maintenance of law and order, ensure the security of the delivery of humanitarian assistance and to assist in catering to the security of civilians. The force was also asked to assist in tracking arms caches and in the neutralization of armed gangs throughout the country, undertake mine clearance operations, assist in the recovery of all weapons distributed to or illegally acquired by civilians, and monitor the observance of the cessation of hostilities. Furthermore, the NIF was expected to assume responsibility for the establishment and preparation of assembly and cantonment points, and to determine security parameters for Kigali, with the objective of making it a neutral zone. Among its other tasks, the NIF was to supervise the demobilisation of those servicemen and gendarmes who were not going to be part of the new armed forces. The NIF was to be informed of any violation of the cease-fire and track down the perpetrators.

The timetable of the Agreement proceeded from the assumption that the NIF could be deployed in about a month, a proposition that United Nations officials had informed the parties would not be realistic well in advance of the signing of the agreement. In the months before the agreement was signed, the Government, which had delayed signing the agreement, pressed the United Nations to begin planning deployment already before the accords had been signed. The United Nations maintained that it was necessary for the parties to show their commitment to the peace process by signing the accords before a peacekeeping operation could begin to be planned.

Only a week after the signing of the Agreement, the United Nations published a report which gave an ominously serious picture of the human rights situation in Rwanda. The report described the visit to Rwanda by the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, Mr Waly Bacre Ndiaye, from 8 to 17 April 1993. Ndiaye determined that massacres and a plethora of other serious human rights violations were taking place in Rwanda. The targeting of the Tutsi population led Ndiaye to discuss whether the term genocide might be applicable. He stated that he could not pass judgment at that stage, but, citing

the Genocide Convention, went on to say that the cases of intercommunal violence brought to his attention indicated "very clearly that the victims of the attacks, Tutsis in the overwhelming majority of cases, have been targeted solely because of their membership of a certain ethnic group and for no other objective reason." Although Ndiaye – in addition to pointing out the serious risk of genocide in Rwanda - recommended a series of steps to prevent further massacres and other abuses, his report seems to have been largely ignored by the key actors within the United Nations system.

In order to follow-up on the Arusha Agreement, the Secretary-General dispatched a reconnaissance mission to the region from 19 to 31 August 1993 to study the possible functions of the NIF and the resources needed for such a peacekeeping operation. The mission was led by Brigadier-General Romeo A. Dallaire, Canada, at the time Chief Military Observer of the United Nations Observer Mission Uganda-Rwanda (UNOMUR). The mission included representatives from different parts of the United Nations system.

On 10 September, the Security Council issued a presidential statement (S/26425) which welcomed the Arusha Accords, and stated that the Council was aware of the hopes of the Rwandese parties regarding assistance by the international community in the implementation of the Agreement. The recommendations of the reconnaissance mission had not yet been presented to the Security Council at this point.

On 15 September, a joint Government-RPF delegation met with the Secretary-General in New York. The delegation argued in favour of the rapid deployment of the international force and the rapid establishment of the transitional institutions. Warning that any delay might lead to the collapse of the peace process, the delegation expressed the wish for a force numbering 4,260. The Secretary-General gave the delegation a sobering message: that even if the Council were to approve a force of that size, it would take at least 2 - 3 months for it to be deployed. The United Nations might be able to deploy some further observers in addition to the 72 already sent, but even this would take weeks. Therefore the Rwandan people needed to be told that they had to rely on themselves during the interim period. The Government and the RPF had to make an effort to respect the cease-fire, the Secretary-General said, because it would be even more difficult to get troops if fighting were to resume. He also mentioned the enormous demands being made of the United Nations for troops, in particular in Somalia and Bosnia, and that the United Nations was going through a financial crisis.

The establishment of UNAMIR

On 24 September 1993, two weeks after the end of the original transitional period, the Secretary-General presented a report to the Security Council on the establishment of a peacekeeping operation in Rwanda (S/26488), based on the report from the reconnaissance mission. The report set out a deployment plan for a peacekeeping force of 2,548 military personnel. With operations divided into four phases, the Secretary-General proposed the immediate deployment of an advance party of about 25 military and 18 civilian personnel, and 3 civilian police. The first phase was to last 3 months, until the establishment of the Broad-based Transitional Government

(BBTG), during which the operation would prepare the establishment of a secure area in Kigali and monitor the cease-fire. By the end of phase 1, the report of the Secretary-General stated that the operation was to number 1,428 military personnel.

The mission was to be divided into five sectors, covering Kigali, the De-militarized Zone (DMZ), the Government forces (RGF) and the RPF, respectively, with UNOMUR as a fifth sector. The three latter sectors would be staffed by military observers, who would be responsible for monitoring the implementation of the protocol on the integration of the armed forces. Among other tasks, this meant monitoring the observance of the cessation of hostilities, verifying the disengagement of forces, the movement of troops to assembly points and heavy weapons to cantonment points, and monitoring the demobilisation of members of the armed forces and the gendarmerie.

The Kigali and DMZ sectors would each have an infantry battalion and military observers. In addition to tasks similar to those in other sectors, in Kigali and the DMZ, it was proposed that UNAMIR assist in arms recovery and verification through checkpoints and patrol, as well as providing security at assembly and cantonment points. A small civilian police unit was to be given the task of verifying the maintenance of law and order.

On 5 October, the Council unanimously adopted resolution 872 (1993), which established UNAMIR. The Council did not approve all the elements of the mandate recommended by the Secretary-General, but instead decided on a more limited mandate. Notably absent was the suggestion that UNAMIR assist in the recovery of arms. Instead, the resolution decided that UNAMIR should contribute to the security of the city of Kigali, i.a., within a weapons-secure area established by the parties in and around the city (authors' emphasis).

The mandate included the following other elements:

- to monitor observance of the cease-fire agreement, which called for the establishment of cantonment and assembly zones and the demarcation of the new DMZ and other demilitarization procedures;
- to monitor security situation during the final period of the transitional government's mandate, leading up to the elections;
- to assist with mine clearance, primarily through training programmes;
- to investigate, at the request of the parties, or on its own initiative, instances of non-compliance with the provisions of the Protocol of Agreement on the Integration of the Armed Forces of the Two Parties, and to pursue any such instances with the parties responsible and report thereon as appropriate to the Secretary-General;
- to monitor the process of repatriation of Rwandese refugees and the resettlement of displaced persons to verify that it is carried out in a safe and orderly manner;
- to assist in the coordination of humanitarian assistance in conjunction with relief operations, and
- to investigate and report on incidents regarding the activities of the gendarmerie and police.

Dallaire was appointed Force Commander of the new mission. He arrived in Kigali on 22 October. He was joined by an advance party of 21 military personnel on 27 October. The Secretary-General subsequently appointed a former Foreign Minister of Cameroon, Mr Jacques-Roger Booh Booh, as his Special Representative in Rwanda. Booh Booh arrived in Kigali on 23 November 1993.

On 23 November 1993, Dallaire sent Headquarters a draft set of Rules of Engagement (ROE) for UNAMIR, asking for the approval of the Secretariat. The draft included in paragraph 17 a rule specifically allowing the mission to act, and even to use force, in response to crimes against humanity and other abuses ("There may also be ethnically or politically motivated criminal acts committed during this mandate which will morally and legally require UNAMIR to use all available means to halt them. Examples are executions, attacks on displaced persons or refugees"). Headquarters never responded formally to the Force Commander's request for approval.

Developments in Rwanda during November and December 1993 gave the new peacekeeping operation cause for concern. The political process faced a stalemate. It was also becoming increasingly clear that the political difficulties were taking place against a backdrop of ever more evident violence. According to the United Nations, about 60 people were killed in violent incidents in November and December. UNAMIR's reports from this period provide graphic descriptions of the ruthlessness with which these killings were carried out. Already at this stage, the optimistic atmosphere which had surrounded the signing at Arusha was beginning to be sobered by considerable concern about the armed activity in Rwanda, including the existence of armed militia. Moreover, the assassination of President Melchior Ndadaye of Burundi in late October, and the violent aftermath and the refugee flows which ensued, provided another worrying backdrop to the beginning of the peacekeeping operation which had not been foreseen when the mission was set up.

In early December, Under-Secretary-General for Political Affairs James O.C. Jonah travelled to Rwanda for a brief visit following the funeral of the President of Burundi. Jonah met with the President of Rwanda, Major-General Juvénal Habyarimana. According to Jonah, he had been requested orally by the Secretary-General to warn President Habyarimana that he had information that killings of the opposition were being planned, and that the United Nations would not stand for this. Jonah was not informed by the Secretary-General about the source of this information. President Habyarimana denied the allegation, a denial Jonah stated that he transmitted to the Secretary-General.

In a concerted effort to bring about movement in the political process, on 10 December, Booh Booh convened a meeting of the political parties in Kinihara, Rwanda. The meeting resulted in a joint declaration by which the parties reaffirmed their commitment to the goals of the Arusha Agreement. Nonetheless, the timetable the parties had agreed on was not implemented. At the end of December, an RPF battalion was installed in Kigali at the Conseil Nationale du Développement (CND) complex, in accordance with the Arusha Peace Agreement. On 5 January, the installation of President Habyarimana took place in accordance with the Agreement. However, disagreements among the parties continued to block the formation of the BBTG and the National Assembly.

The 11 January Cable

On 11 January 1994, Dallaire sent the Military Adviser to the Secretary-General, Major-General Maurice Baril, a telegram entitled "Request for Protection for Informant", which has come to figure prominently in the discussions about what knowledge was available to the United Nations about the risk of genocide. The telegram stated that Dallaire had been put into contact with an informant who was a top level trainer in the Interahamwe militia. The contact had been set up by a "very very important government politician" (who in later correspondence was identified as the Prime Minister Designate, Mr Faustin Twagiramungu). The cable contained a number of key pieces of information.

The first related to a strategy to provoke the killing of Belgian soldiers and the Belgian battalion's withdrawal. The informant had been in charge of demonstrations a few days earlier, with the aim of targetting opposition deputies and Belgian soldiers. The Interahamwe hoped to provoke the RPF battalion into firing at the demonstrators. The deputies were to be assassinated. Belgian troops were to be provoked. If the Belgian soldiers used force, a number of them were to be killed, which was to guarantee the withdrawal of the Belgian contingent from Rwanda.

Secondly, the informant said that the Interahamwe had trained 1,700 men in the camps of the RGF, scattered in groups of 40 throughout Kigali. He had been ordered to register all Tutsi in Kigali, and suspected it was for their extermination. He said that his personnel was able to kill up to 1,000 Tutsi in 20 minutes.

Thirdly, the informant had told of a major weapons cache with at least 135 weapons (G 3 and AK 47). He was prepared to show UNAMIR the location if his family was given protection.

Having described the information received from the informant, Dallaire went on to inform the Secretariat that it was UNAMIR's intention to take action within the next 36 hours. He recommended that the informant be given protection and be evacuated, and – on this particular point, but not on the previous one – requested guidance from the Secretariat as to how to proceed. Finally, Dallaire admitted to having certain reservations about the reliability of the informant and said that the possibility of a trap was not fully excluded. As has often been quoted, the telegram nonetheless ended with a call for action: "Peux ce que veux. Allons-y."

This telegram was addressed to Baril, but it was shared with other senior officials within DPKO, including Under-Secretary-General Kofi Annan, Assistant-Secretary-General Iqbal Riza and Mr Hedi Annabi, at the time head of the Africa Section in DPKO. Both Under Secretaries-General for Political Affairs at the time, Mr Marrack Goulding and Jonah have told the Inquiry that they did not see the telegram when it arrived. The Executive Office of the Secretary-General (EOSG) routinely received all cables at the time. This cable was in the EOSG archives, although the Secretary-General has stated that he was not shown a copy until later.

The first response from Headquarters to UNAMIR was sent on the evening of 10 January New York time. It was a cable from Annan (signed off by Riza) to Booh Booh, marked "Immediate" and "Only". Headquarters wrote that the information in Dallaire's cable was cause for concern but there were certain inconsistencies. Annan continued "We must handle this information with caution." The final paragraph requested Booh Booh's considered assessment and recommendations. It ended "No reconnaissance or other action, including response to request for protection, should be taken by UNAMIR until clear guidance is received from Headquarters."

Booh Booh replied to Annan in a cable also dated 11 January. The Special Representative described a meeting which Dallaire and Booh Booh's political adviser, Dr Abdul Kabia, had had with the Prime Minister Designate, who expressed "total, repeat total, confidence in the veracity and true ambitions of the informant." Booh Booh emphasized that the informant only had 24 to 48 hours before he had to distribute the arms, and requested guidance on how to handle the situation, including the request for protection for the informant. The final paragraph of the telegram, para. 7, stated that Dallaire was "prepared to pursue the operation in accordance with military doctrine with reconnaissance, rehearsal and implementation using overwhelming force. Should at any time during reconnaissance, planning or preparation, any sign of a possible contravening or possibility of an undue risky scenario present itself, the operation will be called off."

Later the same day, Headquarters replied. Again, the cable was from Annan, signed by Riza, addressed this time to both Booh Booh and Dallaire. Headquarters stated that they could not agree to the operation contemplated in para. 7 of the cable from Booh Booh, as it in their view clearly went beyond the mandate entrusted to UNAMIR under resolution 872 (1993). Provided UNAMIR felt the informant was absolutely reliable, Booh Booh and Dallaire instead were instructed to request an urgent meeting with President Habyarimana and inform him that they had received apparently reliable information concerning the activities of the Interahamwe which represented a clear threat to the peace process. Habyarimana was to be informed that the activities included the training and deployment of subversive groups in Kigali as well as the storage and distribution of weapons to those groups. These activities constituted a clear violation of Arusha agreement and of the Kigali Weapons Secure Area (KWSA). Booh Booh and Dallaire were told to assume that the President was not aware of these activities, but were to insist that he immediately look into it, take necessary action, and ensure that the subversive activities were stopped. The President was to be told to inform UNAMIR within 48 hours of the steps he had taken, including the recovery of arms. If any violence occurred in Kigali, the information on the militia would have to be brought to the attention of the Security Council, investigate responsibility and make recommendations to the Council.

Before the meeting with the President, the Ambassadors of Belgium, France and the United States were to be informed and asked to make similar démarches.

The cable from Headquarters ended with the pointed statement that "the overriding consideration is the need to avoid entering into a course of action that might lead to the use of force and unanticipated repercussions."

On 13 January, Booh Booh sent a reply to Annan, outlining what had been done pursuant to the instructions from Headquarters. The code cable was entitled "Initiatives taken relating to the latest security information." Booh Booh informed Headquarters that he and Dallaire had met with the heads of mission of Belgium, France and the United States, who had expressed serious concern and had said they would consult with their capitals. Following that meeting, Booh Booh and Dallaire met with the President and conveyed the message as instructed. Booh Booh informed the Secretariat that the President had appeared alarmed by the tone of the démarche. He had denied knowledge of the activities of the militia and had promised to investigate.

Booh Booh and Dallaire had also raised the harrassment of UNAMIR civilian personnel and the violence against Rwandese ("all belonging to one ethnic group") during the demonstrations on 8 January. President Habyarimana replied that he was unaware of the demonstrations but apologized for any inappropriate behaviour directed against UNAMIR personnel. He suggested both issues be raised with the bureau of his party, the Mouvement Révolutionnaire National pour le Développement (MRND).

This Booh Booh and Dallaire did later the same day, in a meeting with the President and National Secretary of the MRND, who both denied that the MRND or its militia were involved in the alleged activities. They were urged to investigate and to report back to UNAMIR as early as possible.

In a final comment, Booh Booh wrote that the initial feedback from the meetings indicated that both the President and the MRND officials were bewildered by the specificity of the information at their disposal. "The President of the MRND seemed unnerved and is reported to have subsequently ordered an accelerated distribution of weapons. My [Booh Booh's] assessment of the situation is that the initiative to confront the accused parties with the information was a good one and may force them to decide on alternative ways of jeopardizing the peace process, especially in the Kigali area."

A cable from Booh Booh to Annan and Jonah on 2 February, by which time the security situation had deteriorated significantly, made clear that the President never did inform UNAMIR of any follow-up to the information he was confronted with on 12 January.

Political deadlock and a worsening of the security situation

On 14 January, notes in the files of the Secretary-General show that he spoke both to Booh Booh and to Habyarimana. According to the archives, Booh Booh informed the Secretary-General that the two parties in Rwanda had so far failed to respect the agreement to establish a Government and that he was doing his best to find a solution in cooperation with the ambassadors of France, Belgium, the United States and Tanzania. The Secretary-General asked Booh Booh to meet the President and convey his concern at the delay in solving the situation. Booh Booh was told to explain that each day of delay might cost the United Nations many thousands of dollars, since the

troops would be obliged to remain available for a long time. Thus, delays also caused problems with the Security Council.

At 19.30 on 14 January, President Habyarimana telephoned the Secretary-General. Habyarimana said that he had received the four Ambassadors (presumably the same as were mentioned by Booh Booh above) and needed both their and Booh Booh's support so that he could impose a solution on the parties. The note for the file continues, "The Secretary-General assured the President that the United Nations trusted his leadership and asked him to do his best to resolve the problem. The Secretary-General gave the argument that unless there was progress the United Nations would be obliged to withdraw its presence. The President said that this would be a disaster for his country. He promised that he would do his best and that he would meet the Ambassadors again the following week."

The concerns with regard to the distribution of arms, the activities of the militia, killings and increased ethnic tension continued throughout the early months of 1994. In a cable to Annan and Jonah on 2 February, Booh Booh wrote that the security situation was deteriorating on a daily basis. Booh Booh reported "increasingly violent demonstrations, nightly grenade attacks, assassination attempts, political and ethnic killings, and we are receiving more and more reliable and confirmed information that the armed militias of the parties are stockpiling and may possibly be preparing to distribute arms to their supporters." He continued, "If this distribution takes place, it will worsen the security situation even further and create a significant danger to the safety and security of UN military and civilian personnel and the population at large." Furthermore Booh Booh cited indications that the RGF was preparing for a conflict, stockpiling ammunition and attempting to reinforce positions in Kigali. UNAMIR painted a dire scenario: that "should the present Kigali defensive concentration posture of UNAMIR be maintained, the security situation will deteriorate even further. We can expect more frequent and more violent demonstrations, more grenade and armed attacks on ethnic and political groups, more assassinations and quite possibly outright attacks on UNAMIR installations and personnel, as was done on the home of the SRSG." The conclusion drawn was that determined and selective deterrent operations were necessary, targetting confirmed arms caches and individuals known to have illegal weapons in their possession. Booh Booh wrote that these operations would be conducted not only to fulfil the requirements of their mandate in recovering illegal arms, but they would also ultimately ensure the safety and continued operation of United Nations personnel and facilities in Rwanda. UNAMIR sought the guidance and approval of Headquarters to commence deterrent operations.

During the month of February, Booh Booh continued to focus on edging the parties nearer an agreement on the establishment of the transitional institutions. Meanwhile, the mission continued to express concern about the worsening security situation, i.a. at a meeting with Belgium, France, Germany and the United States on 15 February.

On 14 February (the United Nations Blue Book on Rwanda dates it 14 March), the Belgian Foreign Minister, Mr Willy Claes, wrote a letter to the Secretary-General, arguing in favour of a stronger mandate for UNAMIR. Unfortunately, this proposal does not appear to have been given serious attention within the Secretariat or among other interested countries.

Dallaire continued to press for permission to take a more active role in deterrent operations against arms caches in the KWSA. The Secretariat, however, maintained the interpretation of the mandate which was evident in their replies to Dallaire's cable, insisting that UNAMIR could only support the efforts of the gendarmerie. On 15 February, Dallaire referred to a previous recommendation that deterrent actions "supported by" the gendarmerie and army be initiated, pointing out that neither of these Rwandese institutions had the resources to conduct cordon and search operations themselves. He promised that Headquarters would be informed of the details of the operations so that it could be confirmed that they were in accordance with directions from the Secretariat and the mandate. The response from Headquarters was to question the concept proposed by Dallaire and to ask for clarifications. Annan emphasized that public security was the responsibility of the authorities and must remain so. "As you know, resolution 792 *[sic]* (1993) only authorized UNAMIR to 'contribute to the security of the city of Kigali, i.a., within a weapons secure area established by repeat by the parties'."

In a presidential statement on 17 February (S/PRST/1994/8), the Security Council expressed deep concern about the deterioration in the security situation, particularly in Kigali, and reminded parties of their obligation to respect the KWSA. The statement was handed over to President Habyarimana on 19 February. On 21 and 22 February, Mr Félicien Gatabazi, Minister of Public Works and Secretary-General of the Parti social démocrate (PSD) and Mr Martin Buchnyana, the President of the Coalition pour la défense de la république (CDR), were killed. Tensions rose in Kigali and the rest of Rwanda. In a report on 23 February, Dallaire wrote that information regarding weapons distribution, death squad target lists, planning of civil unrest and demonstrations abounded. "Time does seem to be running out for political discussions, as any spark on the security side could have catastrophic consequences."

The following day, Booh Booh wrote that reports had been circulating that the previous days' violence might have been ethnically motivated and directed against the Tutsi minority. He continued to say that in view of Rwanda's long and tragic history of ethnic conflict, the possibility of ethnically motivated incidents is a constant threat, especially during moments of tension, fear and confusion." UNAMIR, however, did not have conclusive or compelling evidence that the events of the past days were either ethnically motivated or provoked ethnic consequences or reactions." Equally, according to the record of a meeting with the Ambassadors of Belgium, France and the United States on 2 March, Dallaire discounted suggestions that the recent killings in Kigali might have been ethnically motivated.

On 27 February, Dallaire informed the Secretariat of his intention to redeploy two companies, a small command group and a logistics component of the Ghanaian contingent in the DMZ to Kigali to take over guard tasks there as a temporary measure until the situation in the capital stabilized. Dallaire emphasized the urgency of the operation, stating that "the present serious increase in terrorist actions combined with the serious decrease in gendarmerie and UNAMIR reaction capability could lead to an end to the peace process."

On 1 March, the Secretary-General received a special envoy of the President of Rwanda, the Minister for Transport and Communications, Mr André Ntagerura. The Secretary-General focussed entirely on the blockage of the political process, threatening to withdraw UNAMIR unless progress was achieved. The Secretary-General emphasized the competing priorities of the United Nations, and said that UNAMIR could be withdrawn within 15 days unless progress was forthcoming.

The Secretary-General presented a progress report on UNAMIR to the Security Council on 30 March (S/1994/360), which described the political stalemate, the deterioration of the security situation and the humanitarian situation in Rwanda. The Secretary-General recommended extending UNAMIR's mandate by six months. In fact, key members of the Security Council were reluctant to accept such a long mandate extension. The decision taken in resolution 909 (1994) of 5 April, which was adopted unanimously, extended the mandate by slightly less than four months, with the possibility of a review after six weeks if progress continued to be lacking. The Council made continued support for the mission, including the acceptance of a proposal by the Secretary-General to increase the number of civilian police, contingent on implementation of the Arusha Peace Agreement.

The crash of the Presidential plane; genocide begins

On 6 April 1994, President Habyarimana and the President of Burundi, Cyprien Ntaryamira, flew back from a subregional summit under the auspices of the facilitator of the Arusha process, Tanzania's President Ali Hassan Mwinyi. According to Tanzanian officials, the talks in Dar es Salaam had been successful and President Habyarimana had committed himself to the implementation of the Arusha Agreement. The Inquiry's interlocutors in Tanzania stated that they had encouraged Habyarimana to delay his return to Rwanda until the following day, but he had insisted on returning the same evening. He also invited the President of Burundi to accompany him on his plane.

According to UNAMIR's report to Headquarters, at approximately 20.30, the plane was shot down as it was coming in to land in Kigali. The plane exploded and everyone on board was killed. By 21.18, the Presidential Guard had set up the first of many roadblocks. Within hours, further road-blocks were set up by the Presidential Guards, the Interahamwe, sometimes members of the Rwandan Army, and the gendarmerie. UNAMIR was placed on red alert at about 21.30.

According to UNAMIR's records, at 22.10, Dallaire briefed Riza by phone about the developments. During the night, Dallaire attended a meeting at the RGF Headquarters together with Colonel Luc Marchal, the Kigali Sector commander of UNAMIR. The meeting was chaired by the Chief of Staff of the Gendarmerie, Major-General Augustin Ndindilyamana, with the participation of among others Colonel Théoneste Bagosora, who Dallaire described as being in "the position of authority." According to Dallaire, Bagosora stated at the meeting that what had occurred was not a coup d'etat, that the officers present were establishing interim control. A warning sign in the line taken by Bagosora and the others were their dismissal of the authority of the Prime Minister, Mrs Agathe Uwilingiyimana, and their refusal to allow her to speak to the nation by radio as both Dallaire and Booh Booh insisted. The meeting at the RGF

Headquarters was followed by a meeting at Booh Booh's residence with Bagosora and the RGF's liaison officer.

Dallaire has subsequently stated that he gave Marchal the following brief: "assisting in the maintenance of the security situation in Kigali with the Gendarmerie in order to try to maintain a state of calm and to avoid any other KWSA violations." Dallaire wrote that he confirmed "the need for a patrol to secure the crash site, for an enhancement of the security at PM Agathe's house and to escort her to the radio station, if and when the Force Commander could assist in getting the stations to allow her to address the nation."

Efforts by UNAMIR to reach the crash site were blocked, with the patrol which had been sent to investigate it being stopped, disarmed and held at the airport during the early hours of 7 April. At 02.45, Dallaire reported that the head of the French military mission and another officer arrived and stated that they had directions from Paris to ensure a qualified investigation of the crash, which Dallaire assured them would take place. The French representatives offered the use of a military technical team present in Bangui, Central African Republic.

After the crash, UNAMIR received a number of calls from ministers and other politicians asking for UNAMIR's protection. Early in the morning of 7 April, the number of guards at the Prime Minister's home was increased. A group of Belgian soldiers led by Lt Lotin were dispatched from the airport to the Prime Minister's residence after 02.00 (03.00 according to the Board of Inquiry set up by UNAMIR), arriving at the Prime Minister's residence about three hours later. According to Belgian sources, at 06.55 (07.15 according to Board of Inquiry), Lt Lotin informed his contingent that he was surrounded by about 20 Rwandan soldiers armed with guns and grenades, and that members of the presidential guard were requiring the Belgians to lay down their arms. His commander had told him not to do this.

During the morning the Prime Minister fled over the wall from her residence and sought refuge at the United Nations Volunteer (UNV) compound in Kigali. According to an eyewitness account by a UNV who was present, the Prime Minister, her husband and five children all arrived in the compound between 7.30 and 08.00 (somewhat later according to UNAMIR's report to Headquarters). The Prime Minister took refuge in a different house from her family. The UNVs informed Mr. Le Moal, the acting designated security official, at about 08.30. According to Dallaire's report to Headquarters, he called Riza at 09.20 to inform him that UNAMIR might have to use force to save the Prime Minister. Riza confirmed the rules of engagement: that UNAMIR was not to fire until fired upon. An armed escort which had been sent to rescue the Prime Minister was blocked on the way.

Again according to the eyewitness account, at about 10.00, Rwandan soldiers entered into the UNV compound, while the UNVs were on the phone to the designated official, threatened the UNVs and stating that they were only seeking one person. After searching the compound, the soldiers eventually found the Prime Minister, who was shot at the back of the compound.

Dallaire arrived at the compound at about 12.30 according to the UNV report, and promised to return with armed vehicles to evacuate the UNVs. In fact, it was only after 17.15, that the UNVs were finally evacuated to the Mille Collines Hotel by a convoy organized by the United Nations Development Programme (UNDP) designated official.

The tragic killing of the Belgian peacekeepers took place against a backdrop of an escalated confrontation with Rwandan soldiers outside the Prime Minister's house. Several times that morning, the soldiers guarding the Prime Minister were told by the Rwandese soldiers surrounding them to surrender their arms. According to Belgian records, at 08.49, Lt Lotin was told by his commander, Lt Col Dewez, that his group should not let themselves be disarmed, and to negotiate, to which Lotin replied that it was too late because four men were already disarmed. Dewez then stated that Lotin was authorized to surrender arms if he felt it necessary. The UNAMIR troops were subsequently taken by minibus to Camp Kigali. Lotin borrowed the Motorola of the Togolese military observer at the camp in order to inform Dewez about the situation, also stating that his men risked being lynched. Dewez, having first asked whether Lotin was not exaggerating, then informed his Sector Command and asked that the Rwandan army or Rutbat (the Bangladeshi battalion) intervene. Meanwhile, however, in Camp Kigali, the United Nations peacekeepers were badly beaten, and later, after the Ghanaian peacekeepers and the Togolese had been led away, the Belgian soldiers were brutally killed.

Dallaire stated in his submission to the Belgian senate inquiry that, while being driven past Camp Kigali with a Rwandan major as driver, he "caught a brief glimpse of what I thought were a couple of soldiers in Belgian uniforms on the ground in the Camp, approximately 60 metres. I did not know whether they were dead or injured, however I remember the shock of realizing that we now had taken casualties." Dallaire said he ordered the RGF officer to stop the car, but that the Rwandan driver refused. Having arrived at the Military School, Dallaire spoke to the Togolese observer, who he said told him about Belgian soldiers being held at Camp Kigali and being abused or beaten up.

Dallaire stated in the same submission that he did not believe that there was a military option to intervene, and that he himself was prevented from going to Camp Kigali, by the driver and then later on by Bagosora, with whom the situation of the Belgian peacekeepers was raised at about 14.00, when they met at the Ministry for Defence. Dallaire stated that, at about 21.00, he was told that the Belgians had been killed. Dallaire then proceeded to Kigali hospital morgue, where the bodies of the Belgian soldiers had been left.

Dallaire informed the Belgian Senate commission that an armed operation to rescue the Belgians was not feasible because of the high risk of casualties to those who would intervene, and the high potential for failure of the operation. Describing the shortcomings and lack of resources of UNAMIR, Dallaire did not believe he had forces capable of conducting an intervention in favour of the Belgians: "The UNAMIR mission was a peacekeeping operation. It was not equipped, trained or staffed to conduct intervention operations."

In the morning of 7 April, members of the Presidential Guard also attacked the house of the Vice-President of the Liberal Party (PL) and Minister for Labour and Social Affairs, Mr Landoald Ndasingwa. Ndasingwa was one of the opposition politicians whom UNAMIR had been guarding for months, and had been the subject of propaganda and threats on the Radio-Télévision Libre des Mille Collines (RTLM). According to testimony of the family and an employee of the Ndasingwa family, at about 06.30, one of the Rwandan policemen guarding the house was told by police guarding the nearby house of the President of the Constitutional Court, Mr Joseph Kavaruganda, that the Presidential Guards were on its way to come and kill Ndasingwa. Upon hearing this, Ndasingwa reportedly asked the RGF guards outside his house to seek reinforcements. Having done so, however, the family stated that it was discovered that the Ghanaian UNAMIR troops guarding Ndasingwa had fled into a neighbouring property without any prior explanation to Ndasingwa. About 30 – 40 minutes later, according to a witness, about 20 members of the Presidential Guards came to the house, armed with light weapons. After searching the house, they shot Mr Ndasingwa, his wife, mother and two children.

The same morning, Judge Kavaruganda was abducted from his home. Kavaruganda also had UNAMIR guards. When Rwandese soldiers came to his house asking him to accompany them, Judge Kavaruganda, fearing for his life, refused, and locked himself in the house with his wife and two of his children. According to Mrs Kavaruganda, the United Nations troops outside stood talking to the Rwandese, with their weapons lying on a table beside them. Inside the house, meanwhile, Judge Kavaruganda made various phone calls to the Belgian, Bangladeshi and Ghanaian contingents of UNAMIR, asking for help. Although he received assurances that reinforcements would arrive, none did. Eventually, the Rwandese soldiers outside broke down the front door. Judge Kavaruganda was taken away, his family beaten and mistreated. According to Mrs Kavaruganda, the United Nations guards did nothing to prevent the abduction or the beatings.

During the course of its mandate, UNAMIR received information about threats against a number of politicians and prominent civil servants. In the cases of Ndasingwa and Kavaruganda, an internal memorandum from the mission's military intelligence officer to Dallaire dated 17 February 1994 contained specific information that a plot existed by named members of the so-called "Death Esquadron" to kill them. According to Dallaire, after the 17 February, in addition to the personal armed bodyguards of the politicians plus the armed UNAMIR vehicle escorts, a section of at least 5 armed UNAMIR soldiers was provided at the residence of each politician.

Another politician with a UNAMIR guard was the former Foreign Minister during the Arusha negotiations, Mr Boniface Ngulinzira. According to his wife, Mrs Florida Ngulinzira, at about 07.30, the UN guards outside his house informed Ngulinzira that Ndasingwa had been killed, and that they believed that political massacres had begun. A phone call from the Prime Minister Designate, Mr Faustin Twagiramungu, confirmed that elements of the Presidential Guards were seeking out politicians. According to Mrs Ngulinzira, the United Nations soldiers at that point asked the family to get into a truck, where they were covered by a tarpaulin, and driven away from their house. Upon arrival they discovered that they had been taken to the Ecole Technique Officielle (ETO) at Kicukiro, a suburb of Kigali.

ETO was a site where many civilians sought the protection of the Belgian UNAMIR troops stationed there. The Inquiry met with a number of survivors from the tragic events at ETO, which in Rwanda have gained symbolic importance as an example of the failings of the United Nations Mission. About 2,000 people had sought refuge at ETO, believing that the UNAMIR troops would be able to protect them. There were members of the Interahamwe and Rwandan soldiers outside the school complex. On 11 April, after the expatriates in ETO had been evacuated by French troops, the Belgian contingent at ETO left the school, leaving behind men, women and children, many of whom were massacred by the waiting soldiers and militia.

Mr Ngulinzira asked the French troops to evacuate him from ETO but was refused. In massacres in the aftermath of the departure of the UNAMIR troops, he was killed.

Within a couple of days of the crash of the Presidential plane, national evacuation operations were mounted by Belgium, France, Italy and the United States. The operations were undertaken with the aim of evacuating expatriates. The Force Commander informed Headquarters of the arrival of the first three French aircraft during the early hours of the morning of 8 April. In a cable dated 9 April from Annan (Riza), Dallaire was requested to "cooperate with both the French and Belgian commanders to facilitate the evacuation of their nationals, and other foreign nationals requesting evacuation. You may exchange liaison officers for this purpose. You should make every effort not to compromise your impartiality or to act beyond your mandate but may exercise your discretion to do should this be essential for the evacuation of foreign nationals. This should not, repeat not, extend to participating in possible combat, except in self-defence."

Withdrawal of the Belgian contingent

The Secretary-General met the Foreign Minister of Belgium, Mr Willy Claes, in Bonn on 12 April. In the minutes of the United Nations from the conversation, Claes' message to the United Nations was described as follows: "The requirements to pursue a peacekeeping operation in Rwanda were no longer met, the Arusha peace plan was dead, and there were not means for a dialogue between the parties; consequently, the UN should suspend UNAMIR." Claes said he had information that the Ghanaian contingent had fled, leaving UNAMIR with only 1,500 troops (which was not correct). He continued, saying that "a withdrawal of UNAMIR could be seen as exacerbating the risk of an all-out civil war. However, UNAMIR had been unable to stop the killings until now and 20,000 had died despite its presence." In response to the Secretary-General's comment that he had sent a letter to the Security Council, asking for more troops and a change of the mandate for UNAMIR, and that he did not think that the Council would accept a withdrawal of UNAMIR, Claes stated that Belgium had to make a choice and had decided to withdraw its units from Rwanda. It preferred the withdrawal to be collective effort of UNAMIR, and would not like to withdraw alone.

According to the minutes of the meeting in the archives of the United Nations, Claes also stated that Belgium would be prepared to leave its weapons and equipment behind if UNAMIR were to stay.

The Secretary-General informed the Security Council about the Belgian position in a letter on 13 April. The letter stated that it would be extremely difficult for UNAMIR to carry out its tasks effectively. The continued discharge by UNAMIR of its mandate would "become untenable" unless the Belgian contingent was replaced by an equally well equipped contingent or unless Belgium reconsidered its decision. On the same day the Belgian Permanent Representative to the United Nations wrote directly to the Council. After a graphic description of the seriousness of the situation, speaking of "widespread massacres" and "chaos," the Permanent Representative argued that since the implementation of the Arusha Peace Agreement was seriously jeopardized, the entire UNAMIR operation should be suspended. It is the understanding of the Inquiry that in addition to this and subsequent letters to the Council, the Belgian Government conducted a campaign of high level démarches with Council members in order to get the Council to withdraw UNAMIR.

The continued role of UNAMIR

DPKO elaborated two draft options, which were sent to UNAMIR for comments and to the Secretary-General in Madrid for approval on 13 April:

1) to keep UNAMIR, minus the Belgian contingent, for a period of three weeks . Several conditions were placed on applying this option, among them the existence of an effective cease-fire, each side accepting responsibility for law and order and the security of civilians in areas under their control, declaring Kigali airport a neutral territory and concentrating UNAMIR to the airport. Parties would be warned that unless agreement was not secured by 6 May, UNAMIR would be withdrawn.

2) to immediately reduce UNAMIR and maintain only a small political presence of the Special Representative, advisers, some military observers and a company of troops.

Dallaire responded expressing support for option 1. The Secretary-General's Senior Political Adviser and Special Representative on the Council, Ambassador Chinmaya Gharekhan, informed Annan in a handwritten code cable on 14 April that the Secretary-General's preference was the first option, and in the event that no progress was achieved, to proceed to the second option. Gharekhan emphasized, with reference to the letters to the Council of 8 and 13 April, that the Secretary-General "at no stage" had recommended or favoured withdrawal. The cable continued: "Abrupt, total withdrawal not feasible nor desirable or wise."

In a separate cable on 14 April, Dallaire made clear the dire consequences of the Belgian withdrawal, which he described as a "terrible blow to the mission".

On 13 April, Nigeria had presented a draft resolution in the Security Council on behalf of the Non-Aligned Caucus advocating a strengthening of UNAMIR. The next day, the Secretary-General's options were presented orally to the Council by Riza. Both options were described as being predicated on a cease-fire. A combination of the two options was also mentioned as a possibility and as the Secretary-General's own preferred option.

By the following day, the positions among the Members of the Council had been modified somewhat. Nigeria now argued in favour of option 1. According to the Secretariat's record, the United States initially stated that if a decision were to be taken then, it would only accept a withdrawal of UNAMIR, as it believed there was no useful role for a peacekeeping operation in Rwanda under the prevailing circumstances." The United Kingdom and Russia supported the second option, and in further consultations, the United States indicated it too could accept this alternative.

The statement by the President of the Council to the press on 15 April is telling of the atmosphere in the Council at the time. The statement makes no mention of the ongoing massacres. It states that the "immediate priority in Rwanda is the establishment of a cease-fire between the Government forces and the RPF." The Council demanded that the parties agree to an immediate cease-fire and return to the negotiating table and reaffirmed the Arusha Peace Agreement as the only viable framework for the resolution of the Rwanda conflict.

Maintaining UNAMIR's presence continued to be linked to the efforts to achieve a cease-fire. On 18 April, Annan (Riza) sent a cable where this issue was brought to a head. DPKO argued that since there did not seem to be any real prospects of a cease-fire in the coming days, it was their intention to report to the Council that a total withdrawal of UNAMIR needed to be envisaged rather than the two options which had been presented. Booh Booh and Dallaire were asked for their final assessment of achieving a cease-fire.

Dallaire responded on 19 April arguing in favour of keeping a force of 250 as a minimum presence, and against a total withdrawal: "A wholesale withdrawal of UNAMIR would most certainly be interpreted as leaving the scene if not even deserting the sinking ship." He also pointed to the risk of dangerous reactions against UNAMIR in the case of a withdrawal.

Dallaire painted the following picture of the dilemma facing the UN under the scenarios being discussed: "The consequences of a withdrawal by UNAMIR will definitely have an adverse affect [*sic*] on the morale of the civil population, especially the refugees, who will feel that we are deserting them. However, in actual fact, there is little that we are doing at the present time except providing security, some food and medicine and a presence. Humanitarian assistance has not really commenced. /.../ The refugees at locations like Hotel Mille Collines, the Red Cross, St Michels Cathedral etc. in RGF territory are in danger of massacre, but have been in this danger without result so far for the last week even with UNAMIR on the ground."

By 19 April, the Secretariat's line had changed significantly: the draft of a report by the Secretary-General to the Security Council which had been prepared now included three options: to strengthen UNAMIR, to reduce its strength or to withdraw completely. The cable with which the draft was sent to Kigali states that "the option of strengthening UNAMIR was decided upon in the evening here leading to our belated request to you to hold up the movement of personnel scheduled for departure tomorrow."

Booh Booh on 20 April expressed full support for what had become option 1, the reinforcement of the mandate and strength of UNAMIR, but also said he did i.a. "not have problems with amended option II." Concerning the latter alternative, however, Booh Booh had reservations about the remaining component being headed by the Force Commander – both he and the Commander should stay in Kigali.

On the same day, as the Council was preparing to move ahead to a decision, the Ambassador of Nigeria, Mr Ibrahim A. Gambari, met with the Secretary-General. Gambari asked Boutros-Ghali to counter moves in the Security Council to withdraw UNAMIR. The Secretary-General, who said he felt as though he was "fighting alone", pressed the Ambassador to encourage African Heads of State to rally behind his position and to write letters against a withdrawal.

On 21 April, the Council voted unanimously to reduce UNAMIR to about 270 and to change the mission's mandate. The resolution stated that the Council was "appalled at the ensuing large-scale violence in Rwanda, which has resulted in the deaths of thousands of innocent civilians, including women and children ..."

In the informal consultations which preceded the adoption of resolution 912 (1994), a few Council members reportedly expressed disappointment that the report did not include a recommendation on the part of the Secretary-General (who has stated, however, that his spokesman orally expressed the Secretary-General's preference for a strengthening of the mandate). Nigeria stated that the NAM Caucus had a preference for option 1, but could not support it because of the lack of political will. According to the Secretariat, the United Kingdom responded by stating that option 1 was not feasible because of the lesson drawn from Somalia that conditions on the ground could evolve rapidly and dangerously.

New proposals on the mandate of UNAMIR

By the end of April, however, the disastrous situation in Rwanda made the Secretary-General recommend a reversal of the decision to reduce the force level. Boutros-Ghali's letter to the Security Council of 29 April (S/1994/518) provided an important shift in emphasis – from viewing the role of the United Nations as that of neutral mediator in a civil war to recognising the need to bring to an end the massacres against civilians, which had by then been going on for three weeks and were estimated to have killed some 200,000 people. The Secretary-General stated that the mandate contained in resolution 912 (1994) did not give UNAMIR the power to take effective action to halt the massacres. The Council was asked to reconsider its previous decisions and to consider "what action, including forceful action, it could take, or could authorize Member States to take in order to restore law and order." In a biting final remark, the Secretary-General wrote that he was aware "that such action would require a commitment of human and material resources on a scale which Member States have so far proved reluctant to contemplate."

The following day, the Security Council issued a Presidential Statement (S/PRST/1994/21). The Council did not at that stage respond to the substance of the Secretary General's letter, and instead promised to do so at a later stage. Otherwise the statement can be noted as a small step in the direction of a clearer stand by the

Council against the ongoing genocide. The Council pointed out that the killings of civilians had "especially" taken place in areas under the control of members or supporters of the interim Government of Rwanda (whose representative was still participating in the deliberations of the Council). The Council could still not agree on using the term genocide, but circumvented the issue by including an almost direct quote from the Genocide Convention in the text. Finally, the statement also included a reference to the possibility of an arms embargo being imposed.

Notes on the discussions within the Security Council in the days following the Secretary-General's letter show a body divided on a number of issues: on whether an intervention should take place, and if so, how to describe the strength of the action (countries such as Brazil, China and the United Kingdom are reported to have argued against too strong an "interventionist" wording regarding the role of the United Nations), the possible role of regional actors, the question of the arms embargo. On 3 May, the United States gained some support for an idea to send a Security Council team to the region to seek information about the situation, an idea that the United Kingdom objected to, and which was not pursued.

According to the Secretariat's notes, two days later, the Nigerian President of the Council put pressure on his colleagues to act, reportedly saying that the Council risked becoming the laughing stock of the world if it did not. He expressed concern about the "chicken and egg" situation which he felt had arisen between the Secretary-General and African countries, since the Secretary-General sought African action against the killing, while the African countries wanted more information about the size and cost of the planned force, as well as the logistical support that would be available, before making commitments. The French representative felt that the Council should focus on humanitarian assistance, with the idea of humanitarian corridors being one possibility.

The Council President suggested that the Council write to the Secretary-General asking him to submit contingency planning to the Council and a recommendation on the mandate of an expanded United Nations presence. At the suggestion of the United Kingdom, the request was not formalized but worded as a request for a non-paper. The following day, agreement was reached on a letter to the Secretary-General, which requested indicative contingency planning, but also – strangely – stated that the members of the Council did not expect any firm or definitive recommendations.

The draft concept of operations for a future UNAMIR mandate which was outlined in a cable from Booh Booh on 6 May was explicit about the situation of the civilian population: "The civil war has intensified and spread throughout the country and massacres of innocent civilians appear to be continuing, especially in the countryside /.../ The steadily worsening situation raises serious questions about the effectiveness and viability of UNAMIR's revised mandate. UNAMIR neither has the power nor the resources to take effective action to end the large-scale killings of civilians and to help establish a reasonably secure environment, essential conditions for the resumption of dialogue which would facilitate efforts to conclude a cease-fire agreement and to put the cease-fire." In this cable from UNAMIR the priority was clear: UNAMIR should first and foremost be enabled to stop the killings, and secondly continue efforts to reach a cease-fire. This is an important shift in relation to the priorities indicated in the

early correspondence between Kigali and Headquarters, a change that came a month after the start of the killings.

The non-paper actually presented to the Council on 9 May was less explicit about the ongoing massacres, and certainly more vague regarding a role for UNAMIR in stopping the killing. Where UNAMIR's above-mentioned draft concept of operations had stated that the mission should be empowered "to take effective and speedy measures to stop the killings of innocent civilians", the final version of the non-paper said UNAMIR was to "ensure safe conditions for displaced and other persons in need, including refugees ...". The non-paper also explicitly stated that the revised mandate would not envisage enforcement actions, would depend primarily on deterrence to carry out its tasks and would resort to force only in self-defence. The non-paper stated that a force of 5,500, including five infantry battalions, would be a minimum viable force for a strengthened UNAMIR. The mission's tasks were summarized as being "to provide support and ensure safety for displaced and other affected persons and for the safe delivery of humanitarian assistance."

In a press statement about the non-paper on 12 May, the RPF found the minimum force level too large: a mission of the original size (2,500) was preferred. The RPF stated that the only areas in Rwanda where people might need United Nations protection were in the south-western areas under RGF control.

When the Council started discussing the non-paper on 11 May, the Secretariat reported to the Secretary-General that several members had expressed support for the concept in the non-paper. Without actually objecting to that concept, the United States highlighted a wish to explore the possibility of creating a "protective zone along the Rwandan border with an international force to provide security to populations". The US representative stated that such a mission might require fewer troops and be less complex than some of the other proposals being discussed. However, the idea of protective zones around the borders drew criticisim from Dallaire in a cable dated 12 May.

On 13 May, the Secretary-General formalized his recommendations in a report to the Security Council, which outlined the phased deployment of UNAMIR II up to a strength of 5,500, emphasizing the need for haste in getting the troops into the field. The above-mentioned differences continued. The final day of consultations focussed largely on amendments presented by the United States to the draft resolution. The United States proposals contained i.a. an explicit reference to the need for the parties' consent, the postponement of later phases of deployment pending further decisions in the Council and requirement that the Secretary-General return to the Council with a refined concept of operations, including among other elements the consent of the parties and available resources.

According to the Secretariat's notes, a number of delegations questioned the advisability of seeking clear consent from the parties. France and New Zealand had difficulties with the concept of deploying only a small number of military observers and one infantry battalion and delaying the rest of the deployment, as proposed by the United States. After a number of hours of consultations, the Council was able to produce the draft which was subsequently adopted.

UNAMIR II established

The Council adopted resolution 918 (1994) on 17 May 1994. The resolution included a decision to increase the number of troops in UNAMIR, and imposed an arms embargo on Rwanda. Rwanda voted against the latter decision, a clear example of the problematic issue of principle raised by the Rwandan membership of the Council.

Following the adoption of the resolution, efforts concentrated on finding the necessary troops to fill the five battalion strong force authorized by the Council. The Secretariat held a number of meetings with potential troop contributors, Booh Booh travelled to key African countries to seek contributions to UNAMIR, and the Secretary-General contacted a number of African Heads of State himself and enlisted the help of the Secretary-General of the OAU in an effort to mobilise offers of troops. However, the response was meager. A few African countries signalled some willingness to contribute, provided they received financial and logistical assistance in order to do so. By 25 July, over two months after resolution 918 (1994) was adopted, UNAMIR still only had 550 troops, a tenth of the authorized strength. Thus the lack of political will to react firmly against the genocide when it began was compounded by a lack of commitment by the broader membership of the United Nations to provide the necessary troops in order to permit the United Nations to try to stop the killing.

The newly appointed High Commissioner for Human Rights, Mr José Ayala Lasso, visited Rwanda on 11 – 12 May 1994. The High Commissioner visited Kigali and Byumba and spoke both to representatives of the so-called Interim Government and the RPF. His report to the Commission on Human Rights was published on 19 May 1994 (E/CN.4/S-3/3). While Ayala Lasso stated that more than 200,000 civilians had been killed and called for strong condemnation of those killings, the High Commissioner stopped at characterizing the situation as one where "extremely serious violations of human rights had taken place" and were continuing. His recommendations were directed at both parties. Ayala Lasso did not mention the word genocide other than in a reference to the Convention as one international human rights instrument to which Rwanda was a party. Ayala Lasso proposed the appointment of a Special Rapporteur on Human Rights in Rwanda, assisted by human rights monitors.

In a further report based on the same trip, which was sent to the Security Council on 21 July 1994 (S/1994/867), Ayala Lasso pointed out that several hundreds of thousands had been killed. He cited evidence that suggested that killings by Government forces were planned and concerted, and mentioned incitement to violence and killings by Radio Rwanda and RTLM. At the same time, he mentioned reports of killings "by forces of either side of civilians" and summary executions by RPF forces, "in what was described as acts of revenge."

The Secretary-General met on 16 May with Booh Booh and key Secretariat officials, including Annan and Goulding to discuss developments in Rwanda. Afterwards, the Secretary-General issued a press statement, which i.a. reaffirmed his support for Booh Booh, who had been facing accusations of partiality from the RPF for some time.

On 18 May, the Secretary-General wrote to a number of African Heads of State and Government, requesting troops for UNAMIR II. He informed the Secretary-General of the OAU of this in a letter dated the same day, part of a correspondence between the two Secretaries-General related to the role of the United Nations since the beginning of the genocide.

On 20 May, Annan forwarded a request from the Secretary-General to Booh Booh that he base himself in Nairobi for the following weeks and consult with governments in the region and to seek their support in the implementation of resolution 918 (1994).

In order to follow-up resolution 918 (1994), the Secretary-General also sent Riza and Baril to Rwanda, among other things to try to move the parties towards a cease-fire and to discuss the implementation of resolution 918 (1994). The special mission to the region took place between 22 and 27 May. In a report to the Security Council dated 31 May, the Secretary-General presented his conclusions based on that mission. The report includes a vivid description of the horrors of the weeks since the beginning of the genocide, referring to a "frenzy of massacres" and an estimate that between 250,000 and 500,000 had been killed. Significantly, the report stated that the massacres and killings had been systematic, and that there was "little doubt" that what had happened constituted genocide.

The report includes a retrospective reference to the information which had been available to the Secretariat regarding developments in Rwanda before the genocide and which had guided its analysis: Para. 11 states that "In this context, the Security Council should be made aware of certain events that, in retrospect, might have had implications regarding the massacres. Between December 1993 and March 1994, UNAMIR took note on several occasions of inflammatory broadcasts by Radio Mille Collines and suspicious movements by armed groups, apparently include *[sic]* the Interahamwe, and cautioned the provisional Government in both respects. UNAMIR also received evidence that arms were being brought into the country and protested to the provisional Government and also conveyed this information to the diplomatic community." In what would seem to be a reference to the Dallaire cable of 11 January 1994, the report continued: "On one occasion the Force Commander requested Headquarters for permission to use force to recover a cache of arms and was instructed to insist that the Gendarmerie conduct the operation under UNAMIR supervision."

The Secretary-General's report outlined a plan for the three-phased deployment of UNAMIR II, whereby phases 1 and 2 were to be initiated immediately in a synchronized manner. The plan foresaw different scenarios for deployment, including a situation where cease-fire was not in place. The two primary tasks of UNAMIR II were described as (a) To attempt to assure the security of as many assemblies as possible of civilians who are under threat and (b) To provide security, as required, to humanitarian relief operations.

The report's final observations were bitter: "The delay in reaction by the international community to the genocide in Rwanda has demonstrated graphically its extreme inadequacy to respond urgently with prompt and decisive action to humanitarian crises entwined with armed conflict. Having quickly reduced UNAMIR to a minimum

presence on the ground, since its original mandate did not allow it to take action when the carnage started, the international community appears paralysed in reacting almost two months later even to the revised mandate established by the Security Council. We must all realize that, in this respect, we have failed in our response to the agony of Rwanda, and thus have acquiesced in the continued loss of human lives."

The RPF wrote a letter to the Secretary-General dated 3 June, which responded positively to the reference to genocide in the Secretary-general's latest report, and called on the Security Council to declare that the atrocities were a genocide. The letter also called on the Security Council to adopt a resolution endorsing the jamming or destruction of Radio Milles Collines. Furthermore, the RPF called on the Secretary-General and the Council to take measures to suspend Rwanda from the Council.

On 8 June, the Security Council adopted resolution 925 (1994), which endorsed the Secretary-General's proposals on the deployment of UNAMIR under its expanded mandate and extended the mission's mandate until 9 December 1994. The resolution also urged Member States to respond promptly to the Secretary-General's request for resources, including logistical support capability for rapid deployment of additional forces. The draft had originally been presented by the United States. According to notes from the consultations, the original draft's use of the word genocide was changed to "acts of genocide" as a compromise after China objected to use of the term genocide on its own.

Operation Turquoise

In a letter dated 19 June to the Security Council (S/1994/728), the Secretary General outlined the results of the efforts to put in place UNAMIR II, which at that time still only had a total force of 503. The Secretary-General stated that the first phase of deployment of UNAMIR II in the best of circumstances would only be able to take place in the first week of July. Mentioning the ongoing killings, the Secretary-General went on to suggest that the Council consider the offer by France to conduct a multinational operation under Chapter VII "to assure the security and protection of displaced persons and civilians at risk in Rwanda."

This offer by France, together with Senegal, was formally set out in a letter from the Permanent Representative of France to the President of the Security Council dated 20 June 1994. The operation is described as one aiming to "maintain a presence pending the arrival of the expanded UNAMIR /.../ The objectives assigned to that force would be the same ones assigned to UNAMIR by the Security Council, i.e. contributing to the security and protection of displaced persons, refugees and civilians in danger in Rwanda, by means, including the establishment and maintenance, where possible, of safe humanitarian areas." France sought a resolution under Chapter VII "as a legal framework for their intervention."

Also on that day, the Security Council adopted resolution 928 (1994) extending the mandate of UNOMUR for three months, and also deciding that the mission would be reduced during that period.

On 20 June, Dallaire sent a long cable to Headquarters outlining a number of potential issues of concern regarding the proposed Operation Turquoise, including the consequences for those troops within UNAMIR who were of the same nationality as contingents in the French-led force.

The Security Council held consultations on the French initiative on 20 – 22 June. France introduced a draft resolution on 20 June. The Secretary-General participated in informal consultations on 22 June. According to the United Nations notes from the consultations, the Secretary-General argued in favour of an urgent decision to authorize the French-led operation. Later that day, the Council adopted resolution 929 (1994), the vote resulting in 10 votes in favour and 5 abstentions (Brazil, China, New Zealand, Nigeria, Pakistan).

On 1 July 1994, the Council adopted resolution 935 (1994), requesting the Secretary-General to establish an impartial Commission of Experts, which was to provide the Secretary-General with its conclusions "on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide."

Also on 1 July, the Permanent Representative of France informed the Secretary-General in a letter, which was forwarded to the Security Council in document S/1994/798, that fighting had intensified, and that the situation in the South West "could quickly become completely uncontrollable". According to the French Ambassador, the situation required an immediate cease-fire. Halting the fighting was the only truly effective way to stabilize the humanitarian situation, and bring about a political settlement on the basis of the Arusha Agreement "from which those responsible for the massacres and, in particular, acts of genocide, must, of course, be excluded." Without a cease-fire, France saw two alternative ways to act: to withdraw or to organize a safe humanitarian zone. The letter made it clear that France believed that the establishment of such a zone was within the mandate already given by the Council, but wished nonetheless to have the support of the United Nations for the idea. The Council discussed the intention to create the zone in informal consultations on 6 July, where several delegations raised questions about the nature of the proposal. No formal reaction by the Council was given to the French letter.

On 14 July the Security Council issued a Presidential Statement (S/PRST/1994/34) which expressed alarm at the continued fighting, demanded an immediate cease-fire, urged the resumption of the political process within the framework of the Arusha Agreement, reaffirmed the humanitarian nature of the secure area in the south-west of Rwanda and demanded that "all concerned" respect this. Member States were called upon to contribute to ensure the deployment of the expanded UNAMIR II in the immediate future.

Goma, Zaire, was shelled on 17 July. That day, General Lafourcade, the Force Commander of Operation Turquoise, requested UNAMIR to convey the message to General Kagame that if the firing did not stop, France envisaged an intervention by force. In a previous contact with the Special Representative, Mr Shaharyar Khan, Major-General Paul Kagame had reportedly stated that the RPF was not responsible

and that clear instructions were being sent to the forces in the region to avoid any shelling of Goma or adjacent Zairian territory.

On 17 July, the United Nations Rwanda Emergency Office Liaison in Goma reported that over a million Rwandese had crossed into Zaire. Concern was expressed that a further outflow might follow from the humanitarian protection zone under Operation Turquoise. This was the starting point of one of the most complicated and sensitive humanitarian emergencies of recent years – the huge exodus of Rwandan refugees into Zaire, whose camps were to become infiltrated by the Interahamwe and other forces behind the genocide. The massive relief effort that was put in place to support the camps in Zaire is still resented by those who survived the genocide within Rwanda.

On 18 July, the RPF had gained control over the whole of Rwanda except the humanitarian zone controlled by Operation Turquoise. The RPF declared a unilateral cease-fire. On 19 July, a Government of National Unity was sworn in in Kigali for a transitional period set at five years. Mr Pasteur Bizimungu was sworn in as President, Major-General Paul Kagame as Vice-President and Mr Faustin Twagiramungu as Prime Minister. About one hundred days after it began, the horrific genocide in Rwanda ended, leaving deep and bitter wounds behind.

III. Conclusions

The Independent Inquiry finds that the response of the United Nations before and during the 1994 genocide in Rwanda failed in a number of fundamental respects. The responsibility for the failings of the United Nations to prevent and stop the genocide in Rwanda lies with a number of different actors, in particular the Secretary-General, the Secretariat, the Security Council, UNAMIR and the broader membership of the United Nations. This international responsibility is one which warrants a clear apology by the Organization and by Member States concerned to the Rwandese people. As to the responsibility of those Rwandans who planned, incited and carried out the genocide against their countrymen, continued efforts must be made to bring them to justice – at the International Criminal Tribunal for Rwanda and nationally in Rwanda.

In the following chapter, the Inquiry wishes firstly to identify the overriding failure in the response of the United Nations: the lack of capacity of the United Nations peacekeeping mission in place to deal with the realities of the challenge it was faced with. Subsequently, the Inquiry will point to a number of other mistakes and failings in the response of the United Nations during the period under review.

1. The overriding failure

The overriding failure in the response of the United Nations before and during the genocide in Rwanda can be summarized as a lack of resources and a lack of will to take on the commitment which would have been necessary to prevent or to stop the genocide. UNAMIR, the main component of the United Nations presence in Rwanda, was not planned, dimensioned, deployed or instructed in a way which provided for a proactive and assertive role in dealing with a peace process in serious trouble. The mission was smaller than the original recommendations from the field suggested. It was slow in being set up, and was beset by debilitating administrative difficulties. It lacked well-trained troops and functioning materiel. The mission's mandate was based on an analysis of the peace process which proved erroneous, and which was never corrected despite the significant warning signs that the original mandate had become inadequate. By the time the genocide started, the mission was not functioning as a cohesive whole: in the real hours and days of deepest crisis, consistent testimony points to a lack of political leadership, lack of military capacity, severe problems of command and control and lack of coordination and discipline.

A force numbering 2,500 should have been able to stop or at least limit massacres of the kind which began in Rwanda after the plane crash which killed the Presidents of Rwanda and Burundi. However, the Inquiry has found that the fundamental capacity problems of UNAMIR led to the terrible and humiliating situation of a UN peacekeeping force almost paralysed in the face of a wave of some of the worst brutality humankind has seen in this century.

Despite the failures of UNAMIR, it should be said that United Nations personnel within UNAMIR and in the programmes and agencies also performed acts of courage in the face of the chaos that developed in Rwanda, and did save the lives of many civilians, political leaders and United Nations staff, sometimes at the risk of their own

lives. In particular the peacekeepers who remained throughout the genocide, including the Force Commander and the contingents of Ghana and Tunisia, deserve recognition for their efforts to counteract some of the worst brutality humanity has seen under extremely difficult circumstances. The archives of the United Nations bear testimony to the multitude of requests, from within Rwanda, from Member States and from NGO's asking for help to save persons at risk during the genocide. Statistics are difficult to find, but it may be worth quoting an internal list from UNAMIR's own archives which states that 3,904 displaced people had been moved by UNAMIR during the fighting in Kigali between 27 May and 20 June 1994.

2. The inadequacy of UNAMIR's mandate

The decisions taken with respect to the scope of the initial mandate of UNAMIR were an underlying factor in the failure of the mission to prevent or stop the genocide in Rwanda. The planning process failed to take into account remaining serious tensions which had not been solved in the agreements between the parties. The United Nations mission was predicated on the success of the peace process. There was no fall-back, no contingency planning for the eventuality that the peace process did not succeed.

The overriding failure to create a force with the capacity, resources and mandate to deal with the growing violence and eventual genocide in Rwanda had roots in the early planning of the mission. The signing of the Arusha Accords in August 1993 was generally hailed with optimism and relief following the years of difficult negotiations between the Rwandan parties. Although tensions clearly persisted below the surface, not least within the Government delegation, the international community received the Accords as the starting point towards peace and power-sharing in Rwanda.

The over-optimistic assumption by the parties to the Arusha Agreement that an international force could be deployed in about a month meant that the United Nations was fighting the clock from the first days of preparing for UNAMIR. The initial planning process suffered from insufficient political analysis. Dallaire has acknowledged that the reconnaissance mission, which he headed, lacked the necessary political competence to make a correct in-depth analysis of the political situation and the underlying realities between the ex-belligerents of the Arusha Peace Agreement. The mission was apparently not even aware of the disturbing report published only a couple of weeks before by the Special Rapporteur of the Commission on Human Rights on Summary and Extrajudicial Executions about the situation in Rwanda. In the report, the Rapporteur supported the findings of a number of human rights NGOs earlier that year. He pointed to an extremely serious human rights situation, and discussed at some length the possibility that a genocide was being committed in Rwanda. That a report of this nature was not taken into account in the midst of planning a large United Nations peacekeeping presence in Rwanda shows a serious lack of coordination on the part of the United Nations organs concerned. Indeed, Dallaire informed the Inquiry that, had there been more depth in the political assessment and had he been aware of the report, he would have reconsidered the force level recommendations by the reconnaissance mission. *The responsibility for this oversight in the planning of UNAMIR lies with the parts of the UN Secretariat concerned, in particular the Center for Human Rights and DPKO.*

The reconnaissance mission had estimated that a force of 4,500 troops was required to fulfil the mandate in Rwanda. However, the Secretariat believed that it would not be possible to get Council support for that number of troops. This picture of the political commitment at the time was probably correct: the United States delegation had suggested to the United Nations that a symbolic presence of 100 be sent to Rwanda. Even France, which had been pushing for a United Nations presence in Rwanda, felt that 1,000 would suffice. Dallaire's figures were pared down even before they were presented to the Council. On 24 September, by then two weeks after the end of the original transitional period, the Secretary-General recommended a peacekeeping force numbering 2,548 military personnel.

If the mandate which the Security Council gave UNAMIR in its resolution 872 (1993) was more limited than the Secretary-General's proposal to the Council, then it was even more distant from the original broad concept agreed on by the parties in the Arusha Accords. The difference was not without importance. The interpretation of the real scope of the mandate given by the Council became a debated issue months before the genocide broke out, as will be shown below. The limitation of the mandate in relation to the KWSA was an early and public sign of the limits to the engagements which the Security Council was prepared to assume in Rwanda. The United States presented a number of amendments to the draft resolution which weakened the mandate, including in relation to the disarmament of civilians. The original wording in relation to the KWSA was also weakened with the specification that the weapons secure area be established by the parties.

The responsibility for the limitations of the original mandate given to UNAMIR lies firstly with the United Nations Secretariat, the Secretary-General and responsible officials within the DPKO for the mistaken analysis which underpinned the recommendations to the Council, and for recommending that the mission be composed of fewer troops than the field mission had considered necessary. The Member States which exercised pressure upon the Secretariat to limit the proposed number of troops also bear part of the responsibility. Not least, the Security Council itself bears the responsibility for the hesitance to support new peacekeeping operations in the aftermath of Somalia, and specifically in this instance for having decided to limit the mandate of the mission in respect to the weapons secure area.

3. The implementation of the mandate

Further serious difficulties arose with respect to the implementation of UNAMIR's mandate. UNAMIR's mandate was cautious in its conception; it was to become equally so in its application on the ground. Headquarters consistently decided to apply the mandate in a manner which would preserve a neutral role of UNAMIR under a traditional peacekeeping mandate. This was the scope of action that was perceived to have support in the Security Council. Despite facing a deteriorating security situation which would have motivated a more assertive and preventive role for the United Nations, no steps were taken to adjust the mandate to the reality of the needs in Rwanda.

The cable sent by Dallaire to Baril on 11 January regarding contacts with an informant brought into focus key aspects of how UNAMIR implemented its mandate. The Inquiry believes that serious mistakes were made in dealing with the cable.

Firstly, the information contained in the cable, and in particular the information indicating the existence of a plan to exterminate Tutsi, was so important that it should have been given the highest priority and attention and shared at the highest level. Mistakes were made both in UNAMIR and in the Secretariat in this regard.

Dallaire should have addressed the cable not only to Baril: it clearly warranted the immediate attention of – at the very least - the Under-Secretaries-General for Peacekeeping and Political Affairs. In fact, despite being sent only to Baril, the cable was then shared by him with the rest of the leadership of DPKO. Annan's and Riza's instructions to UNAMIR – and the caution which dominates those instructions - show that they did realize that the cable contained very significant information. However, they *did not brief the Secretary-General about it*. And *the Security Council – which a week before had conditioned its continued support for UNAMIR on progress in the peace process - was not informed.* Informing the three embassies in Kigali was not enough in this regard: the seriousness of the threats in the cable justified informing the Council as a whole. At the very least the Security Council should have been informed when UNAMIR reported in early February that the President had done nothing to act on the information and that the situation on the ground was deteriorating. The veiled retroactive reference to the Dallaire cable which is contained in the report by the Secretary-General to the Council on 31 May 1994 is a case of too little, and certainly far too late.

Secondly, it is incomprehensible to the Inquiry that not more was done to follow-up on the information provided by the informant. Having decided to share the information with President Habyarimana with the aim of getting him to act on it, constant pressure should have been put on the President to see to it that he took the action he had promised.

This applies to all three main aspects of the cable. Information received by a United Nations mission that plans are being made to exterminate any group of people requires an immediate and determined response, in this case certainly action more forceful than the meetings which were held with President Habyarimana and with the leadership of the MRND by Booh Booh and Dallaire.

The information on the existence of arms caches was also serious. While the quantity of arms in that particular cache, which Dallaire had stated contained at least 135 weapons, was not of a magnitude or a nature to determine the outcome of the genocide later that year, the instructions from New York certainly gave the signal to the Interahamwe and other extremists that UNAMIR was not going to take assertive action to deal with such caches.

Whether the decision to raid the arms cache was within the mandate of the mission or not is of key importance. Views diverge. While Dallaire maintained that it was, Baril, Annan, Riza and Annabi firmly believed that the raid would not be within the mandate. The key is the interpretation of the words "weapons secure area established

by the parties" in the mandate. It should be recalled in this context that the Security Council had deliberately weakened the role of UNAMIR in relation to the KWSA as compared with the role foreseen by the Arusha Agreement. In this instance, Headquarters advocated a cautious interpretation of the mandate which the Security Council had adopted on the KWSA issue. The instruction cables from the Secretariat show concern about the possibility that the information might be a trap, and a concern for the safety of the mission: "the overriding consideration is the need to avoid entering into a course of action that might lead to the use of force and unanticipated repercussions. *Given the context, the Inquiry does not see reason to criticize the decision taken by the Secretariat on the mandate issue. As will be seen below, however, the Inquiry believes serious mistakes were made in the follow-up to the cable.*

The concern expressed by the leadership of UNAMIR throughout January and February about the consequences of the arms distribution is very clear. Given that Headquarters had determined that raiding the arms caches and conducting deterrent operations was not within the scope of the mandate, the Inquiry feels that this issue *should have been raised with the Security Council as a fundamental weakness in the mandate of the mission,* which the Council should consider rectifying because of the dire risks involved. The Inquiry has no evidence that the issue was raised in this way with the Council.

The premise of the démarche to the President was that it should be assumed that he was unaware of the activities mentioned by the informant. However, it is clear from the archives that Dallaire had raised the issue of the distribution of arms to the President's supporters at a meeting with the President only a week earlier, stating that this distribution was unacceptable as it was contrary to the Arusha Agreement. The President then said that he was unaware of this, but would instruct his supporters to desist if the information was correct.

Lastly, the *threat against the Belgian contingent should have been followed up* more clearly, not only in relation to the security of that particular contingent, but equally as part of the strategic discussions within the Secretariat and with the Security Council on the role of UNAMIR in Rwanda. The United Nations knew that extremists on one side hoped to achieve the withdrawal of the mission. Therefore, the strategy of the United Nations to use the threat of withdrawing UNAMIR as leverage in relation to the President to achieve progress in the peace process could actually have been one which motivated extremist obstructions rather than prevented them.

Questions have been raised as to the wisdom of inviting Belgium, a former colonial power, to participate in UNAMIR. The threats against the Belgian contingent described in the Dallaire cable as well as on the radio and through other forms of propaganda, show the difficulties inherent in that participation. In the case of UNAMIR it must be said, however, that Belgium was providing well-equipped troops which were not being offered by others, and that both parties had accepted that they participate in the mission.

4. Confusion over the rules of engagement

The Force Commander submitted a draft set of Rules of Engagement for UNAMIR to Headquarters on 23 November 1993, seeking Headquarters' approval. Headquarters never responded to that request. The Inquiry was told by General Baril that the Rules were considered guidelines. While General Baril stated that he considered the draft a good one, he also said that at the time, Headquarters did not have a procedure in place for the formal approval of draft Rules of Engagement. To the Force Commander, in the absence of a formal reply, the Rules of Engagement must be considered approved and in effect, a conclusion which the Inquiry believes was reasonable. At the same time, another senior member of the UNAMIR command told the Inquiry that the Rules of Engagement did not conform to reality and he ignored them.

The same draft was sent again to Headquarters after the genocide began, under the description "the different permutations of the rules of engagement". Headquarters did not object to para. 17 concerning crimes against humanity. This paragraph was, however, removed from subsequent versions of the rules of engagement applicable to UNAMIR II. In actual fact, however, UNAMIR I did not put this particular element of the rules of engagement into effect when the situation on the ground fit the description in para. 17. Other problems, such as lack of resources and problems related to command and control, have been cited by the Force Commander and others to explain why UNAMIR did not stop the massacres. *It is disturbing, however, that there was such a lack of clarity in the communications between UNAMIR and Headquarters regarding which rules were in force.*

5. Failure to respond to the genocide

a. After the Presidential plane was shot down, the situation in Kigali quickly descended into chaos. Roadblocks were set up, massacres of Tutsi and opposition and moderate politicians began. Soon, the RPF broke out of its complex, and were strengthened by forces from outside the capital. In addition to the killings of civilians, fighting broke out between the Presidential Guards and the RPF. UNAMIR was faced with hundreds of calls for help, from politicians, staff members and others. Thousands of people sought refuge at sites where UNAMIR was present, including about 5,000 people who had gathered at the field hospital already by 8 April.

When the genocide began, the weaknesses of UNAMIR's mandate became devastatingly clear. The natural question is why a force numbering 2,500 could not stop the actions of the militia and RGF soldiers who began setting up roadblocks and killing polititians and Tutsi in the early hours after the crash. Could UNAMIR not have deterred, by its presence and a show of determination, the terrible sequence of violence that followed?

The correspondence between UNAMIR and Headquarters during the hours and days after the plane crash shows a force in disarray, with little intelligence about the true nature of what is happening and what political and military forces are at play, with no clear direction and with problems even communicating among its own contingents. The mission was under rules of engagement not to use force except in self defence. It had taken upon itself to protect politicians, but then in certain cases did not do so in

the face of threats by the militia. Civilians were drawn to UNAMIR posts but the mission proved incapable of sustaining protection of them. The Force Commander found quite early on that he did not have the practical command of all his troops: for all practical purposes the Belgian peacekeepers came under the command of their national evacuation troops, and within days, the Bangladeshi contingent was no longer responding to orders from UNAMIR Headquarters. In short, the correspondence between Kigali and Headquarters, and the information provided to the Security Council in the early days of the genocide, show an operation prevented from performing its political mandate related to the Arusha agreement, incapable of protecting the civilian population or civilian United Nations staff and at risk itself. Furthermore, UNAMIR was sidelined in relation to the national evacuation operations conducted by France, Belgium, the United States and Italy. *The responsibility for this situation must be shared between the leadership of UNAMIR, the Secretariat and troop contributing countries.*

United Nations archives show that the DPKO very quickly began to discuss the possibility of a withdrawal of UNAMIR as one option which might become necessary. Already on 9 April, Annan (Riza) stated in a cable to Booh Booh and Dallaire that it was impossible for UNAMIR to implement its mandate in the prevailing circumstances. They also indicated that if events moved in a negative direction, it might be necessary to conclude that UNAMIR must withdraw. The instinctive reaction within the Secretariat seems to have been to question the feasibility of an effective United Nations response, rather than actively investigating the possibility of strengthening the operation to deal with the new challenges on the ground.

Soon, however, the unilateral decision by Belgium to withdraw its troops in the wake of the tragic killing of the ten Belgian peacekeepers brought the United Nations mission near the brink of disintegration. The decision by the Belgian Government to withdraw was followed by rapid indications from Bangladesh that it might do the same. In a letter to the President of the Security Council dated 21 April, the Bangladeshi Permanent Representative raised a number of security concerns for which United Nations guarantees were sought. There was therefore a significant risk that the peacekeeping force would disintegrate.

The problems UNAMIR was faced with regarding command and control in the early days of the genocide included the unauthorized evacuation by members of the civilian police component, which were under UNAMIR command, and the embarrassing instance where Bangladeshi peacekeeping troops refused to allow colleagues from the Belgian contingent inside the Amahoro stadium complex where they were seeking refuge.

The Inquiry believes that it is essential to preserve the unity of United Nations command and control, and that troop contributing countries, despite the domestic political pressures which may argue the reverse, should refrain from unilateral withdrawal to the detriment and even risk of ongoing peacekeeping operations.

The loss of ten peacekeepers is a terrible blow to any troop contributing country. However, even if the Belgian Government felt that the brutal murder of its para-commandos and the anti-Belgian rhetoric in Rwanda at the time made a continued

presence of its own contingent impossible, *the Inquiry finds the campaign to secure the complete withdrawal of UNAMIR difficult to understand.* The analysis of the situation in Rwanda, which was presented as an underlying argument for withdrawal, painted a picture of ongoing massacres, in addition to the fighting between the parties. However, the focus seems to have been solely on withdrawal rather than on the possibilities for the United Nations to act, with or without Belgium.

Discussions within the Security Council during these first weeks of the genocide show a body divided between those, such as the United States, who were sympathetic to the Belgian campaign to withdraw the mission, and others, with the NAM Caucus in the forefront, advocating a strengthening of UNAMIR. In presenting his three options to the Security Council in a report dated 20 April (S/1994/470), the Secretary-General did state that he did not favour the option of withdrawal. Although the Secretary-General has argued that he made his preference for strengthening UNAMIR clear through a statement by his spokesman to the press, *the Inquiry believes that the Secretary-General could have done more to argue the case for reinforcement in the Council.*

The decision by the Security Council on 21 April to reduce UNAMIR to a minimal force in the face of the killings which were by then known to all, rather than to make every effort to muster the political will to try and stop the killing has led to widespread bitterness in Rwanda. *It is a decision which the Inquiry finds difficult to justify. The Security Council bears a responsibilty for its lack of political will to do more to stop the killing.*

The Secretary-General's letter of 29 April, asking the Security Council to reconsider its decision to reduce the mandate and strength of the mission, was a welcome shift in focus towards the need for the United Nations to act to stop the killing. The need to do so was no longer presented as subordinate to the two-party cease-fire negotiations. However, the response of the Security Council took weeks to agree on, a costly delay in the middle of the genocide. Reporting from the Council's consultations in early May show a clear reluctance to contemplate a Chapter VII-style operation. Gharekhan's report to the Secretary-General from consultations on 3 May stated that "There is no support from any delegation for a forceful or enforcement action. They all emphasized that whatever action is contemplated could be implemented only if both the Rwandese parties agree to it and promise their cooperation."

By 12 May, the Council was divided on key issues. The members were discussing a number of issues, including whether an enlarged mission should be given a Chapter VII mandate, on which the Council was split, and the resources required, with both the United States and the United Kingdom requesting more detailed information from the Secretariat on the concept of operations. As has been shown above, attempts were made by non-permanent members of the Council to push for stronger action. The opposition to these efforts proved too strong, however. *The delay in decision-making by the Security Council was a distressing show of lack of unity in a situation where rapid action was necessary.* Almost three weeks after the Secretary-General's letter, the Council finally authorized UNAMIR II on 17 May.

b. The lack of will to act in response to the crisis in Rwanda becomes all the more deplorable in the light of the reluctance by key members of the International Community to acknowledge that the mass murder being pursued in front of global media was a genocide. The fact that what was occurring in Rwanda was a genocide brought with it a key international obligation to act in order to stop the killing. The parties to the 1948 Convention took upon themselves a responsibility to prevent and punish the crime of genocide. This is not a responsibility to be taken lightly. Although the main action required of the parties to the Convention is to enact national legislation to provide for jurisdiction against genocide, the Convention also explicitly opens the opportunity of bringing a situation to the Security Council. Arguably, in this context, the members of the Security Council have a particular responsibility, morally if not explicitly under the Convention, to react against a situation of genocide.

However, as the mass killings were being conducted in Rwanda in April and May 1994, and although television was broadcasting pictures of bloated corpses floating down the river from Rwanda, there was a reluctance among key States to use the term genocide to describe what was happening. The Secretary-General did so in an interview for US television on 4 May 1994, one of the earliest in the international community to do so. The Secretary-General's report to the Security Council on the special mission by Riza and Baril on 30 May 1994 formally included the word genocide. However, when certain members of the Council proposed that the resolution on UNAMIR II include such a determination, others refused.

The delay in identifying the events in Rwanda as a genocide was a failure by the Security Council. The reluctance by some States to use the term genocide was motivated by a lack of will to act, which is deplorable. If there is ever to be effective international action against genocide, States must be prepared to identify situations as such, and to assume the responsibility to act that accompanies that definition. The Inquiry hopes that the stronger recognition given today to the need to ensure human security and to guarantee the safety of individual human beings from human rights violations, will also mean that States will not shy away from identifying events as genocide, and responding to them with action.

It is important to add the following: the imperative for international action is not limited to cases of genocide. The United Nations and its member states must also be prepared to mobilise political will to act in the face of gross violations of human rights which have not reached the ultimate level of a genocide. Particular emphasis must be placed on the need for preventive action: the will to act needs to be mobilised before a situation escalates to a genocide.

To an extent the analysis of the ethnic element in the violence may have been affected by the fact that the RPF initially, before the plane crash, preferred to view the conflict with the Government as a political one and wished to avoid being considered an "ethnic" party. This does not, however, reduce the serious nature of the information cited above. Given the conclusions of the human rights reports of 1993, the risk of a genocide could not be disregarded in the deteriorating security situation of 1994. It should also be said that soon after the massacres started, the RPF, in a statement dated 13 April, did identify what was happening as a genocide.

Members of the Interim Government have since been indicted at the ICTR for their roles in the Rwandan genocide. One question that arises from the Inquiry's study of the archives of the UN is whether the accountability of these persons for the ongoing massacres was made sufficiently clear to them at the time. To an extent, this brings into focus a recurrent dilemma in crisis management: whether to negotiate with those in control irrespective of the acts they may have committed. *In the view of the Inquiry, the United Nations had an obligation to make absolutely clear to the members of the so-called Interim Government the individual responsibility which accompanies the commission of genocide and war crimes.*

6. Peacekeeping overburdened: inadequate resources and logistics

Rwanda was to prove a turning point in United Nations peacekeeping, and came to symbolize a lack of will to commit to peacekeeping, and above all, to take risks in the field. UNAMIR came about following a dramatic expansion of the number of peacekeeping troops in the field after the end of the Cold War. However, by the second half of 1993, the enthusiasm for United Nations peacekeeping of previous years was on the wane among key member states, the capacity of the Secretariat, in particular the DPKO, to administer the approximately 70,000 peacekeepers wearing blue berets was overstretched, and several existing operations were facing severe difficulties.

In a report to the Security Council dated 14 March 1994 entitled "Improving the capacity of the United Nations for peacekeeping", the Secretary-General outlined the unprecedented growth of United Nations peacekeeping during the preceding five years. At the same time, however, he also mentioned that international enthusiasm for peacekeeping was diminishing. He pointed out the difficult financial situation the United Nations was facing, with over $1 billion in outstanding assessments to peacekeeping operations.

UNAMIR's poor quality and lack of capacity had a key effect on the way the mission dealt with the unfolding crisis after 6 April. However, the lack of resources and logistics had been a serious problem for UNAMIR from its inception, and continued to be so during the mission's later stages. It is significant that even the resolution establishing UNAMIR already included an invitation to the Secretary-General to consider ways of reducing the total maximum strength of UNAMIR. The Secretary-General was asked to seek economies in planning and executing the phased deployment, and to report regularly on what had been achieved in this regard. Even the Belgian contingent, which was the strongest in UNAMIR, faced problems with recycled materiel and lack of arms. The Bangladeshi contingent arrived without even the most basic supplies. Troops lacked necessary training in a number of respects.

In his report to the Security Council dated 30 December 1993, the Secretary-General argued against a reduction of resource levels, writing that such a reduction would negatively affect the performance and credibility of UNAMIR in the discharge of its mandate. Although the Council did approve the deployment of the second battalion to the DMZ in its resolution 893 (1994) of 6 January 1994, again the Secretary-General was requested to monitor the size and cost of the mission to seek economies. The

same request was reiterated in the Council's last resolution on Rwanda before the genocide, resolution 909 (1994) of 5 April 1994.

The logistical problems facing UNAMIR run like a constant thread throughout the correspondence between the Force Commander and Headquarters. Contingents arrived without normal materiel, which instead had to be brought in from the United Nations operations in Somalia and Cambodia. UNAMIR only received 8 APCs out of 22 requested, of which only five were road-worthy. The mission had a medical unit, but complaints were raised against the quality of the care.

In the weeks before the genocide, UNAMIR was still facing serious logistical problems. When the Secretary-General was to present his report to the Council in late March, the draft sent to Headquarters by Booh Booh highlighted both logistical difficulties and the need for more military observers. The Inquiry notes in this context that the final version of the resport did not include the request from the field for an increase in the number of military observers by 48 which was contained in the original draft from Kigali.

The weaknesses of UNAMIR have been outlined above in relation to the mandate of the mission. The dire logistical situation facing the mission once the genocide started was summarized in a cable from Booh Booh and Dallaire to Annan and Goulding dated 8 April. Even as early as this, the cable described developments as a "very well planned, organized, deliberate and conducted campaign of terror initiated principally by the Presidential Guard". The cable went on to describe "aggressive actions" taken against opposition leaders, against the RPF, the massacre of Tutsi, against the general civilian population as well as direct and indirect fire against UNAMIR. The RPF had by then broken out of their compound, and UNAMIR describes full hostilities between the Presidential Guards and RPF. The cable asked the question "Is the mandate of UNAMIR still valid?"

The infantry in Kigali is described as being separated into camps isolated by fighting , and separated from their logistical support. "The mission is desperately short of life and operational sustaining support. The reserves required by the UN for this mission were either not brought by troop contributing countries or have not been provided to this mission." Most units are described as having between 1 - 2 days of drinking water, between 0 to 2 days of rations, and about a 2 – 3 day reserve of fuel. Furthermore, the lack of ammunition and small arms was described as the largest single deficiency. In a summarizing paragraph, UNAMIR wrote that "UNAMIR was designed, established and developed logistically as a peacekeeping force. It therefore does not have the reserves of critical items for a long conflict scenario."

Finally, a more determined effort should have been made to provide the United Nations with its own radio facility in Rwanda. Moreover, the political will and financial means should have been mustered to jam the notorious inciting radio station Radio Mille Collines. In the future, however, counteracting hate radio may not be enough. Attention must also be paid to the distribution of genocidal messages of hate over the internet.

The responsibility for the logistical problems faced by UNAMIR lies both with the Department of Peacekeeping Operations, in particular its Field Administration and Logistics Division (FALD), and with individual troop contributors. FALD should not have allowed UNAMIR to have the dire lack of resources described above. By April, six months after the establishment of the mission, these fundamental logistics problems should have been dealt with. However, the Inquiry also finds that troop contributors to UNAMIR did not provide their contingents with basic weaponry and other materiel for which they were responsible. The constant pressure by the Security Council on UNAMIR to save money and cut resources also created problems in a situation where the mission was too weak to start with.

7. The shadow of Somalia

It has often been said that UNAMIR was an operation which was created in the shadow of Somalia. In particular the deaths of the Pakistani and US peacekeepers in Somalia in 1993 had a deep effect on the attitude towards the conduct of peacekeeping operations. For instance, the UN commission of inquiry set up to study these tragic deaths in Somalia, whose report came out just as preparations were being made to strengthen UNAMIR in the wake of the genocide, concluded that "the UN should refrain from undertaking further peace enforcement actions within the internal conflicts of States" (S/1994/653)

For the Government of the United States the events in Mogadishu were a watershed in its policy towards UN peacekeeping. By May 1994, when the genocide in Rwanda began, President Clinton had enacted PDD25, a directive which placed strict conditions on US support for United Nations peacekeeping. The killings of the peacekeepers in Somalia also had a restrictive effect on the UN Secretariat, in particular with regard to the risks that could be assumed during peacekeeping operations and in respect to the interpretation of mandates. This legacy of Somalia was of particular importance to the conduct of UNAMIR.

8. Focus on achieving a cease-fire

After the President was killed and violence broke out, the focus of Booh Booh and Dallaire quickly became that of achieving a cease-fire. The reports from UNAMIR to the Secretariat emphasize this element: the negotiations with the so-called crisis committee and the RPF and concerns that the RPF would "break out" of the CND and the DMZ. Yet the genocide which began in Kigali and subsequently spread to the countryside had a different dynamic to that of a resumed conflict between two parties who had signed the Arusha Agreement. Given the warning signs, the nature of what was happening should have been recognized, and reported more clearly and at an earlier stage. This precise point was raised in the Security Council by Nigeria on 28 April, when the Nigerian Ambassador stated that too much attention was being paid to the cease-fire negotiations and too little to the massacres. *The Inquiry finds it disturbing that records of meetings between members of the Secretariat, including the Secretary-General, with officials of the so-called Interim Government show a continued emphasis on a cease-fire, more than the moral outrage against the massacres, which was growing in the international community.*

The persistent attempts to view the situation in Kigali after the death of the President as one where the cease-fire had broken down and therefore needed to be restored through negotiations, rather than one of genocide in addition to the fighting between the RGF and RPF, was a costly error of judgment. *It was an error committed by the Secretariat, the leadership of UNAMIR and the Members of the Security Council. Several Council members have criticized the quality of the analysis provided to them by the Secretariat in this instance.* For a number of the non-permanent members at the time, a key to realizing the genocidal perspective to the killings in Rwanda was information provided to them by the NGO community.

9. Lack of analytical capacity

A problem in the United Nations response to the situation in Rwanda was the weaknesses apparent in the capacity for political analysis, in particular within UNAMIR, but also at Headquarters. With respect to UNAMIR, a key problem identified by the Force Commander in an interview with the Inquiry was the weak political representation in the recconnaissance mission to Rwanda in August 1993 and the lack of real understanding the team had about the underlying political realities of the Rwandan peace process. Once UNAMIR was set up, there was a lack of capacity for intelligence analysis. *At Headquarters there was not sufficient focus or institutional resources for early warning and risk analysis. Much could have been gained by a more active preventive policy aimed at identifying the risks for conflict or tension, including through an institutionalized cooperation with academics, NGOs and better coordination within different parts of the United Nations system dealing with Rwanda.*

A key issue in the analysis of the flow of information is whether it should have been possible to predict a genocide in Rwanda. The Inquiry has received very different replies to this question, both from Rwandese and international actors whom it interviewed. As indicated above, early indications of the risk of genocide were contained in NGO and United Nations human rights reports of 1993. The Inquiry is of the view that these reports were not sufficiently taken into account in the planning for UNAMIR. UNAMIR was viewed as a traditional peacekeeping operation under Chapter VI, established at the request of the parties to a two-sided conflict to assist them in the implemention of a peace agreement. Despite warning signs during the Arusha process, in particular related to the lack of commitment by extremists within the President's party to the peace process and to power-sharing, very little if anything seems to have been done in terms of contingency planning for the eventuality that the peace agreement was threatened or challenged. UNAMIR was established without a fall-back position or a worst-case scenario. There were warning signs of the possibility of a genocide in Rwanda, and furthermore clear indications that mass killings were being planned and could take place in Rwanda in early 1994. That failure to formulate a determined response to these warnings is due in part to the lack of correct analysis, both in UNAMIR and within the Secretariat, but also by key Member States.

One of the main tasks of UNAMIR was to monitor the observance of the Arusha Agreement. The delays in this process which were evident already during the first weeks of UNAMIR's presence in Rwanda took place against a backdrop of a steadily

worsening security situation. Reports from the field did refer to the rising number of killings, serious ethnic tension, militia activities and the import and distribution of arms. Although the description of these threats in cables to Headquarters seemed at times divorced from the usually separate analysis of the difficulties incurred in the political process, these worrying factors were reported to Headquarters, in increasingly alarming tones.

In his report to the Security Council of 30 December 1993 (S/26927), the Secretary-General mentioned the existence of "a well-armed and reportedly ruthless group" operating in the area of the DMZ "with a view to disrupting or even disrailing [*sic*] the peace process". After the United States requested more information regarding this group in the Council's consultations of the whole on 5 January 1994, the Special Representative and the Force Commander were asked to provide Headquarters with further details on this score. In a response dated 6 January, Dallaire described massacres on 17-18 and 30 November, in which 55 men, women and children were killed. Dallaire wrote that he did not have definitive proof of who was responsible for the massacres, but continued to say that the "manner in which they were conducted in their execution, in their coordination, in their cover-up, and in their political motives lead us to firmly believe that the perpetrators of these evil deeds were well-organized, well informed, well motivated and prepared to conduct premeditated murder. We have no reason to believe that such occurrences could not and will not be repeated again in any part of this country where arms are prolific and political and ethnic tensions are prevalent."

These are examples which, together with others cited in this report, such as the handling of the Dallaire cable, and the analysis of developments after the genocide began, show an institutional weakness in the analytical capacity of the United Nations. The responsibility for this lack of analytical capacity falls primarily on the Secretariat under the leadership of the Secretary-General.

10. The lack of political will of Member States

Another reason for the main failure of the international community in Rwanda was the lack of political will to give UNAMIR the personnel and materiel resources the mission needed. Even after the Security Council decided to act to try and stop the killing, and reversed its decision to reduce UNAMIR, the problems that the Secretariat had faced since UNAMIR's inception in getting contributions of troops from Member States persisted. This was the case throughout in May and June during the urgent attempts to set up UNAMIR II. The lack of will to send troops to Rwanda continued to be deplorably evident in the weeks following the decision by the Security Council to increase the strength of UNAMIR to 5,500. For weeks, the Secretariat tried to solicit troop contributions, to little avail. Although a few African countries did express a willingness to send troops, they did so with the proviso that they be provided with equipment and financed. By the time Operation Turquoise left Rwanda, UNAMIR only had the bare minimum number of troops to permit it to take over the areas which had been controlled by the French-led operation. The full contingent was only deployed several months later, by which time the situation on the ground had changed markedly. Recognition is due here to those troop contributing countries, in particular Ghana and Tunisia, which allowed their troops to remain throughout the terrible

weeks of the genocide, despite the withdrawal of other contingents. *In sum, while criticisms can be levelled at the mistakes and limitations of the capacity of UNAMIR's troops, one should not forget the responsibility of the great majority of United Nations Member States, which were not prepared to send any troops or materiel at all to Rwanda.*

The political will of Member States to send troops to peacekeeping operations is of course a key to the United Nations capacity to react to conflict. The stand-by arrangements initiative is a welcome one in that it attempts to address the problem of the lack of available troops when missions are to be set up. Yet the standby arrangement system is equally dependent on the will of Member States to commit troops and other personnel in a particular instance.

A general point about the need for political will is that such will must be mobilised equally in response to conflicts across the globe. *It has been stated repeatedly during the course of the interviews conducted by the Inquiry that the fact that Rwanda was not of strategic interest to third countries and that the international community exercised double standards when faced with the risk of a catastrophe there compared to action taken elsewhere.*

11. Failure to protect political leaders

UNAMIR was tasked with the protection of a number of politicians who were of key importance to the implementation of the Arusha Agreement. Moderate and opposition politicians quickly became targets as violence started after the crash of the Presidential plane. Some of them were saved, among them the Prime Minister Designate, Mr Twagiramungu. A number of others, however, were killed by members of the Presidential Guards and elements of the Rwandese army. Among those murdered were the Prime Minister, Mrs Agathe Uwilingiyimana, the leader of the Liberal Party, Mr Landoald Ndasingwa and the former Foreign Minister Mr Boniface Ngulinzira. The President of the Constitutional Court, Mr Joseph Kavaruganda, was taken away by armed elements of the Rwandese army and was never seen again. In these cases, UNAMIR did not succeed in providing the protection these personalities required.

In the case of the Prime Minister, the troops protecting did not to accompany her when she fled across the wall to the UNV compound. As has been described above, the troops surrendered their arms and were taken by the RGF to Camp Kigali, where they were subsequently brutally murdered. According to the family of Ndasingwa, the guards outside his home fled when soldiers of the Presidential Guards arrived at the house. Mr Ndasingwa, his wife, children and mother were all shot. And the family of Kavaruganda said that the guards outside his home did nothing to stop Rwandan soldiers from taking him away, or from beating members of his family, who subsequently fled. Finally, in the case of Ngulinzira, his family reproaches UNAMIR that the United Nations guards protecting him took him and his family to ETO. He was killed in the massacres that followed the Belgian contingent's evacuation of the school.

There is a pattern to these events which shows a failure by UNAMIR troops to guarantee the protection to these political personalities that they had been assured and

expected. It is regrettable that not more could be done to resist the attacks by the Presidential Guards and other extremist elements against these politicians. As mentioned above, the Rules of Engagement which governed the mission permitted the use of force in self-defence, as well as action to prevent crimes against humanity. On the other hand, it must be recognized that the extremist forces had had time to observe the strength of the UNAMIR guard posts and overwhelm them with larger force.

The tragic killing of the Belgian peacekeepers also shows a number of problems in UNAMIR's capacity to deal with a crisis situation. When there were reports that the peacekeepers guarding the Prime Minister were in trouble, sufficiently decisive action was not taken by UNAMIR to determine what had happened and to prevent the killings. The Force Commander stated that, passing by Camp Kigali and seeing Belgian peacekeepers on the ground, he was unable to get the RGF driver of his car to stop. The Sector Commander for Kigali said that he did not know about the death of the Belgian paratroopers until 22.00. Although the Force Commander was prevented from reaching the Belgian group at that point, it is a matter of concern that the communications between the different elements of UNAMIR did not seem to ensure a correct flow of information about the threat to the Belgians, and that no-one was able to investigate the fate of the paratroopers until after they were dead.

The failure in these instances seems to be attributable in some instances to a lack of direction from UNAMIR Headquarters, but also to the peacekeepers themselves, who by not resisting the threat to the persons they were protecting in some of the cases outlined above, as would have been covered by their Rules of Engagement, showed a lack of resolve to fulfil their mission.

12. Failure to protect civilians

The role of UNAMIR in the protection of civilians during the genocide is one of the most debated and painful issues of this period. Considerable efforts were made by members of UNAMIR, sometimes at risk to themselves, to provide protection to civilians at risk during the massacres. However, there do not seem to have been conscious and consistent orders down the chain of command on this issue. During the early days of the genocide, thousands of civilians congregated in places where UN troops were stationed, i.a., the Amahoro Stadium and the Ecole Technique at Kicukiro. And when UNAMIR later came to withdraw from areas under its protection, civilians were placed at risk. Tragically, there is evidence that in certain instances, the trust placed in UNAMIR by civilians left them in a situation of greater risk when the UN troops withdrew than they would have been otherwise.

According to the Force Commander and the Deputy Force Commander, the order to evacuate was not given by UNAMIR Headquarters. The order would seem to have been taken by the Belgian command within UNAMIR. There is no doubt that the decision to evacuate the school, leaving thousands of refugees behind at the mercy of the waiting forces of the Interahamwe, is one which has caused enormous pain to the Rwandan people, in particular the survivors of the genocide. The perception that the UN knowingly abandoned a group of civilians has damaged trust in the United Nations severely.

When the UNAMIR contingent at ETO left, there could not have been any doubt as to the risk of massacre which awaited the civilians who had taken refuge with them. Indeed, the Interahamwe and the RGF had for days been stationed outside the school. The manner in which the troops left, including attempts to pretend to the refugees that they were not in fact leaving, was disgraceful. *If such a momentous decision as that to evacuate the ETO school was taken without orders from the Force Commander, that shows grave problems of command and control within UNAMIR.*

The Inquiry notes that the International Criminal Tribunal for Rwanda recently convicted Mr Georges Rutaganda of genocide and sentenced him to life imprisonment, i.a. for his role in the assault on ETO.

13. Failure to protect national staff

It is a tragic aspect of modern conflict that United Nations and associated as well as other humanitarian personnel are increasingly the targets of violence during armed conflict. The genocide in Rwanda took its toll among the personnel of the United Nations: fourteen peacekeepers and a number of local civilian staff were brutally killed. The efforts to strengthen the protection of United Nations and associated personnel since 1994 have been most encouraging, but more could still be done, not least in order to broaden the scope of the protection afforded by the United Nations convention on this subject.

The Inquiry met with several persons who were members of the national staff of the United Nations in Rwanda at the time of the genocide. When the international civilian staff of the United Nations were evacuated, national staff were left behind. There is considerable bitterness among the national staff at what is perceived as a double standard within the United Nations as to the safety of different groups of staff members. It was even alleged that United Nations staff members may have been at greater risk than others as a result of their employment with the organisation. The United Nations regulations at the time precluded the evacuation of national staff. While the decisions taken at the time may have been in conformity with United Nations regulations, there can be no doubt of the damage caused by these rules to the trust between members of staff. The Inquiry feels that the subsequent change in staff regulations permitting the relocation within the country of national staff is a positive step, but also feels that it is necessary to look actively at the possibility of providing for evacuation in cases where relocation may be a less preferable option. It goes without saying that each staff member, international or national, must know precisely what protection can be expected in times of crisis. *The mistaken perception among national staff members in Rwanda that the United Nations would and could protect them shows that a serious failure on the part of those in charge of security – in particular the Special Representative and the designated security official - to provide correct information to staff members.*

14. Flow of information

The flow of information between the field and the Secretariat took place at several levels. Code cables were sent either from the Special Representative or the Force Commander, addressed to the Secretary-General, to the Heads of Department

concerned, mainly Annan as head of DPKO and Jonah or Goulding, as heads of DPA, or to Baril. Cables from Headquarters were normally signed either by the Head of Department, or in some cases by the Military Adviser, Chief of Staff of the Secretary-General or by his Special Representative to the Security Council. Cables from Annan were in practice often signed off by his deputy, Riza, who carried day-to-day responsibility for UNAMIR within DPKO. Code cables were at times sent with a restriction on distribution, labelled "only" for certain recipients. In addition to code cables, other correspondence was conducted by open fax. Written communication was regularly complemented by telephone conversations, on the substance of which there is little written record in the archives.

By the time of the Rwanda crisis, the Secretary-General had decided that he would be represented in the Security Council by a Special Representative. The Secretary-General himself rarely attended the consultations of the Security Council. Ambassador Gharekhan was appointed as Mr Boutros-Ghali's Special Representative on the Council. Gharekhan was tasked with briefing the Council on behalf of the Secretary-General on the full range of topics on the Council's agenda, often based on speaking notes prepared by the substantive departments concerned. These departments were normally not represented at the consultations of the whole. In addition to the material provided by the departments, Gharekhan informed the Inquiry that he regularly was in direct contact by telephone with the Special Representatives or the Force Commanders of missions on which he was about to brief the Council. While this procedure would have provided Gharekhan the opportunity for a direct exchange of views with the field, from an institutional point of view this procedure excluded those responsible for the daily substantive work on issues discussed in the Council. The lack of direct contact between the substantive departments concerned and the Security Council created a disconnect which had a negative effect on the quality of the information provided to the Security Council, and must have made the understanding of substantive officers in the Secretariat of the deliberations of the Council much more difficult. *Representatives of several Members of the Security Council whom the Inquiry has interviewed have complained that the quality of information from the Secretariat was not good enough. It should also be said that more could have been done by those Member States with in-depth knowledge of the situation in Rwanda to share information with the Secretariat.*

There were problems in the flow of information from the field to Headquarters. UNAMIR presented a series of deeply worrying reports which together amounted to considerable warnings that the situation in Rwanda could explode into ethnic violence. In sum, information was available - to UNAMIR; United Nations Headquarters and to key Governments - about a strategy and threat to exterminate Tutsis, recurrent ethnic and political killings or an organised nature, deathlists, persistent reports of import and distribution of weapons to the population and hate propaganda. *That more was not done to follow-up on this information and respond to it at an early stage was a costly failure: by United Nations Headquarters and UNAMIR but also by the Governments which were kept informed by UNAMIR, in particular those of Belgium, France and the United States.* The lack of determined action to deal with the Dallaire cable is only part of this wider picture of failed response to early warning. Also, the fact that the United Nations was in close contact with certain key governments about this information does not change the fact that it

should consistently and in equal detail have been brought to the attention of the whole Security Council.

15. Organizational problems

Organizational problems existed both within UNAMIR and within Headquarters which affected the capacity of the United Nations to respond to the events in Rwanda.

Within UNAMIR, it is clear that there were problems in the relationship between Booh Booh and Dallaire. The difficulties were known to the Department heads in New York, who did not however intervene. The difficulties may in part be traced to the fact that the Force Commander arrived first in the mission area and was the person to set up UNAMIR to begin with. Much later on, when the genocide began, their respective roles do not seem to have been clear. UNAMIR seems to have suffered from a lack of political leadership on the part of the Special Representative, but also from problems with regard to the military leadership because of the multitude of tasks the Force Commander had to cover during those first chaotic days. The archives of the mission also show that internal cooperation was problematic in key areas, one example being the difficulties in the cooperation between Booh Booh and his office and the Chief Administrative Officer, Mr Hallqvist, who resigned after a few months in service.

The relationship between the Secretary-General and the Security Council is a unique feature of the Charter of the United Nations. The Secretary-General has the opportunity, but also the responsibility, to bring to the attention of the Council issues which require action. The Secretary-General can have a decisive influence on decision-making in the Council, and has the capacity to mobilize political will among the membership on key issues on the agenda. Boutros-Ghali was absent from New York during much of the key period of the genocide. The Inquiry understands that Secretaries-General cannot be present at every meeting of the Security Council. The archives show almost daily cables informing the Secretary-General of the unfolding events in Kigali and Headquarters related to Rwanda, and sometimes replies to Headquarters with comments by the Secretary-General. The Inquiry concludes that the Secretary-General was kept informed of key developments in Rwanda. However, the role of the Secretary-General in relation to the Council in true crisis situations such as that of the Rwandan genocide, is one which can only to a limited extent be performed by proxy. *Without the opportunity of direct personal contacts between the Secretary-General and the Security Council as a whole, and with its members, the role of the Secretary-General in influencing Council decision-making cannot be as effective or powerful as if he were present.*

16. National evacuations: international troops in different roles

The rapid deployment of the national contingents to evacuate expatriates from Kigali saved lives among the expatriate community. Nonetheless, the lack of coordination on the ground with the United Nations before the operations is a matter of concern. The leadership of UNAMIR, or of the Secretariat, should have been better informed about the evacuations being planned.

The rapidity of the response, whereby the French operation was dispatched within hours of the shooting down of the aircraft, also shows a disconnect in the analysis of the situation between these key Member States of the United Nations and UNAMIR. Immediately upon receipt of the information about the crash, France, Belgium, US and Italy evidently believed the situation to be so volatile as to warrant immediate evacuation of their nationals. During these first hours after the crash, UNAMIR was still struggling to identify the nature of what had happened, and to establish basic communication among its own units.

One particular element of concern to the Inquiry is the different roles played by Belgian troops during these crucial hours. The Belgian contingent was still the best equipped and strongest of UNAMIR. The arrival of Belgian national troops blurred the perception of the Kibat contingent. Dallaire also stated to the Inquiry that the Belgian troops within UNAMIR also began taking orders from, and sharing materiel, with the evacuation force. This undermined the capacity of UNAMIR to act in the early days of the genocide.

17. Operation Turquoise

The French-led mission named Operation Turquoise was a mission conducted with the authorisation of the Security Council although not under United Nations command. The Inquiry will limit its analysis of Operation Turquoise to those elements specifically relevant to its mandate: the role of the United Nations during the period until July 1994.

Views diverge as to the effectiveness of the operation in saving the lives of those at risk within the humanitarian zone. Many of Inquiry's interlocutors have credited Operation Turquoise with saving a number of lives in a situation where few other initiatives were being taken to do so, although concerns were also expressed about a number of difficult issues of principle, i.a. with respect to the Operation's relationship to the United Nations. The decision to authorize the operation was not a unanimous one, and considerable concerns were voiced about the mission by those five members of the Council which abstained.

Like the rapid deployment of national evacuation forces, the sudden availability of thousands of troops for Operation Turquoise, after DPKO had been attempting for over a month to find troops to expand UNAMIR II, exposed the varying levels of political will to commit personnel in Rwanda. *The Inquiry finds it unfortunate that the resources committed by France and other countries to Operation Turquoise could not instead have been put at the disposal of UNAMIR II.*

The Secretary-General personally intervened in support of an authorisation of Operation Turquoise. The Inquiry notes that the Force Commander had sent substantive analysis of the possible problems which the operation might cause UNAMIR. One such difficulty was the perceived imbalance between the mandate of UNAMIR, which remained a Chapter VI operation throughout, and the Chapter VII authorisation given to Turquoise. *To have two operations present in the same conflict area with the authorization of the Security Council but with such diverging powers was problematic.*

The overlap of troop contributing countries also caused problems for UNAMIR. Indeed, on 21 June, Dallaire decided to evacuate 42 peacekeepers from francophone African States, Congo, Senegal and Togo and to replace them with United Nations personnel from Nairobi, Kenya, because of the negative reactions by the RPF caused by their participation in Operation Turquoise.

During the course of Operation Turquoise, there was on some occasions direct confrontation, or the risk of such confrontation, between the force and the RPF. As has been mentioned above, UNAMIR was asked to convey messages between the two, a role which must be considered awkward to say the least.

18. Rwanda as a member of the Security Council

The fact that Rwanda, represented by the Habyarimana government, was a member of the Security Council from January 1994 was a problem in the Security Council's handling of the Rwanda issue. In effect, one of the parties to the Arusha Peace Agreement had full access to the discussions of the Council and had the opportunity to try to influence decision-making in the Council on its own behalf. That a party to a conflict on the agenda of the Council, which was the host country of a peacekeeping operation, later subject to an arms embargo imposed by the body of which it was a member, shows the damaging effect of Rwanda's membership on the Council.

The damage was evident in the actions of the Rwandan representatives on the Security Council during this period. Both Secretariat officials and representatives of Members of the Council at the time have told the Inquiry that the Rwandan presence hampered the quality of the information that the Secretariat felt it possible to provide to the Council and the nature of the discussion in that body.

19. Final observations

On 15 November, 1999, a few weeks before the presentation of this report, the Secretary-General published a report on the fall of Srebrenica (ref A/54/549). Clearly, some of the criticisms directed at the actions of the United Nations in that report and the lessons learned drawn from them are also relevant to the present analysis of the role of the United Nations in Rwanda.

One such point is that "a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means, and with the political will to carry the policy through to its logical conclusion" (§502). Faced in Rwanda with the risk of genocide, and later the systematic implementation of a genocide, the United Nations had an obligation to act which transcended traditional principles of peacekeeping. In effect, there can be no neutrality in the face of genocide, no impartiality in the face of a campaign to exterminate part of a population. ***While the presence of United Nations peacekeepers in Rwanda may have begun as a traditional peacekeeping operation to monitor the implementation of an existing peace agreement, the onslaught of the genocide should have led decision-makers in the United Nations – from the Secretary-General and the Security Council to Secretariat officials and the leadership of UNAMIR – to realize that the original***

mandate, and indeed the neutral mediating role of the United Nations, was no longer adequate and required a different, more assertive response, combined with the means necessary to take such action.

The Inquiry agrees with the Secretary-General that "[W]hen the international community makes a solemn promise to safeguard and protect innocent civilians from massacre, then it must be willing to back its promise with the necessary means." (§ 504) The experience of the Rwandan genocide makes it necessary to add that the United Nations must be aware that its presence in conflict areas also raises among those same civilians an expectation of protection which must be borne in mind when analysing the means necessary to conduct an operation. Whether or not an obligation to protect civilians is explicit in the mandate of a peacekeeping operation, the Rwandan genocide shows that the United Nations must be prepared to respond to the perception and the expectation of protection created by its very presence.

In his report, the Secretary-General encouraged Member States to engage in a process of reflection to clarify and to improve the capacity of the United Nations to respond to various forms of conflict. Among the issues highlighted, he mentioned the gulf between mandate and means and an instititional ideology of impartiality even when confronted with attempted genocide. As is clear from the above, both of those issues formed part of the key failings of the UN in Rwanda. The Inquiry believes that the process of analysis and discussion suggested in the Srebrenica report should be undertaken promptly in order to address the mistakes of peacekeeping at the end of this century and to meet the challenges of the next one. The Inquiry hopes that the present report will add impetus to such a process.

There are institutional lessons to be learned from the Rwandan crisis with regard to the capacity and willingness of the United Nations to conduct peacekeeping operations. However, there are also lessons which need to be learned which relate specifically to the relationship between the United Nations and Rwanda.

The United Nations failed the people of Rwanda during the genocide in 1994. It is a failure for which the United Nations as an organization, but also its Member States, should have apologized more clearly, more frankly, and much earlier. The present report seeks to identify the scope and reasons of that failure. Based on the conclusions drawn about the problems in the response by the United Nations, the Inquiry has also formulated recommendations for the future. In so doing, the Inquiry hopes to provide a basis on which to build a better relationship between the Government and people of Rwanda on the one hand, and the United Nations on the other. This will require a true will for healing on both sides. The meetings which the Inquiry has held with both Rwandese and United Nations officials during the course of its work have shown that this will exists.

A renewed partnership will be necessary to deal with the challenges ahead. The aftermath of the genocide is still a reality - in the pain of those who lost loved ones, in the efforts to build reconciliation between Rwandans, in the challenges of bringing those responsible to justice, and in the continued problems of displacement as well as in the efforts to find ways to balance the needs and interests of those who survived the genocide within Rwanda and those returning from lives as refugees abroad. It is also

still a reality in the continued existence of the Interahamwe as an armed force in the Great Lakes region, and in the continued instability in that area. The challenges of the future are ones where the United Nations can help Rwanda to rebuild and reconcile.

IV. Recommendations

1. The Secretary-General should initiate an action plan to prevent genocide involving the whole UN system, and aiming to provide input to the World Conference against Racism Racial Discrimination, Xenophobia and Related Intolerance in 2001.

2. Renewed efforts should be made to improve the capacity of the UN in the field of peacekeeping, including the availability of resources: political momentum for action should be mobilized at the Millennium Summit and Assembly. In each peacekeeping operation it should be clear which Rules of Engagement apply.

3. The United Nations – and in particular the Security Council and troop contributing countries – must be prepared to act to prevent acts of genocide or gross violations of human rights wherever they may take place. The political will to act should not be subject to different standards.

4. The early warning capacity of the United Nations needs to be improved, through better cooperation with outside actors including NGOs and academics, as well as within the Secretariat.

5. Efforts need to be made to improve the protection of civilians in conflict situations.

6. Further improvements in the security of UN and associated personnel, including local staff, are necessary. Consideration should be given to changing existing rules to enable the evacuation of national staff from crisis areas.

7. Cooperation between officials responsible for the security of different categories of staff in the field needs to be ensured.

8. An effective flow of information needs to be ensured within the UN system.

9. Further improvements should be made in the flow of information to the Security Council.

10. The flow of information on human rights issues should be improved.

11. National evacuation operations must be coordinated with UN missions on the ground.

12. Further study should be given to the possibility to suspend participation of the representative of a Member State on the Security Council in exceptional circumstances such as the crisis in Rwanda.

13. The international community should support efforts in Rwanda to rebuild the society after the genocide, paying particular attention to the need for

reconstruction, reconciliation and respect for human rights, and bearing in mind the different needs of survivors, returning refugees and other groups affected by the genocide.

14. **The United Nations should acknowledge its part of the responsibility for not having done enough to prevent or stop the genocide in Rwanda.** The Secretary-General should actively seek ways to launch a new beginning in the relationship between the United Nations and Rwanda.

* * *

The Inquiry is aware that a number of steps have been taken over the past few years to improve the capacity of the United Nations to respond to conflicts, and specifically to respond to some of the mistakes made in Rwanda. For instance, welcome changes have been made with regard to how the Secretariat briefs the Security Council. Internal structures have also been set up with the aim of improving the Secretariat's capacity for early warning and early action. However, there is still need for determined action if the United Nations is to be better prepared to prevent future catastrophes than it was to prevent and respond to the tragedy in Rwanda. The Inquiry makes the following recommendations for action.

1. An action plan to prevent genocide. The Inquiry recommends that the Secretary-General initiate a United Nations action plan to prevent genocide. More than five years after the genocide in Rwanda, the time has come to make the obligation under the Genocide Convention to "prevent and to punish" genocide a concrete reality in the daily work of the United Nations. The plan should aim to increase awareness and capacity system-wide to prevent and counteract genocide and other massive human rights violations, and should result in the implementation in practice of the lessons learned from the tragedies of Rwanda and the former Yugoslavia. Each part of the United Nations system, including Member States, should examine what active steps they should take to counteract such horrific crimes. The plan should include a follow-up mechanism to ensure that such steps are taken. An action plan to prevent genocide could provide concrete input to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance scheduled for the year 2001.

As part of the plan, efforts at improving early warning and preventive capacity should include the prevention of genocide as a particular component. Specific training should be given to staff both at Headquarters, in agencies and programmes, and not least, personnel in field missions, to identify warning signs, analyse them, and translate warnings into appropriate action. Use should be made of the competence developed over the past years within the International Tribunals for the former Yugoslavia and Rwanda. In the technical field, enhanced cooperation between Member States and the United Nations should aim to improve capacity to block hate media. The plan should establish networks of cooperation with humanitarian organisations, academic institutions and other non-governmental organisations with the aim of enhancing early

warning and early response capacity. An intensified dialogue should be established between the Secretariat and the Security Council on the need for preventive action, and when necessary, on the need for enforcement measures to counteract genocide and other massive human rights violations in the future.

Planning for peacekeeping operations should whenever relevant include the prevention of genocide as a specific component. In situations where a peacekeeping operation might be confronted with the risk of massive killings or genocide it must be made clear in the mandate and Rules of Engagement of that operation that traditional neutrality cannot be applied in such situations, and the necessary resources be put at the disposal of the mission from the start.

Identify situations as genocide when warranted and assume the concomitant responsibility to act. States must be prepared to identify situations as genocide when the criteria for that crime are met, and to assume the responsibility to act that accompanies that definition. More attention needs to be given to preventing crises from escalating or erupting into genocide.

2. The Inquiry recommends that action be taken to improve the capacity of the United Nations to conduct peacekeeping operations, and in particular to ensure the sufficiently rapid deployment of missions into the field. The issue is not a new one, and similar recommendations have been made by other bodies, but while the need has been repeated many times, the problem remains. The United Nations remains the only organization which can bring global legitimacy to peacekeeping efforts. Important initiatives can be taken at the regional level, but the United Nations must be prepared and willing to exercise the responsibility for international peace and security enshrined in its Charter, no matter where the conflict. The Inquiry hopes that the Secretary-General and the Member States of the Organization will use the opportunity provided by the Millennium Summit and Assembly next year to mobilise the political will necessary to solve the current problems facing United Nations peacekeeping, to look clearly at the challenges ahead, at what needs to be learnt from past failures, including in Rwanda, and what can be done to meet the challenges of tomorrow. This entails in particular:

- Ensuring the necessary resources for peacekeeping. Member States must be prepared to provide the necessary troops at short notice to the United Nations. Participation in initiatives such as the United Nations standby-arrangements needs to be increased, but equally importantly, matched by the political will to allow those resources committed to be deployed in specific conflict situations.

The credibility of United Nations peacekeeping depends on operations being given the resources necessary to fulfil their mandates.

It also requires that troop contributors refrain from withdrawing unilaterally from a peacekeeping operation when that withdrawal may be expected to jeopardize or put in danger the operation in question. Close coordination is necessary with the Secretariat about any decision to withdraw or reduce a contingent.

- **Increasing preparedness to conduct contingency planning**, both for expected new peacekeeping operations and to meet possible needs to adjust mandates of existing operations.

- **Taking action to make logistical resources rapidly available** to contingents lacking in material, either by enhancing the use of the logistic base at Brindisi or by means of donor contributions. The Secretariat should be provided with the resources to enable it to function as a clearing-house for needs and available materiel and training resources. Concrete discussions should be held between the United Nations and relevant regional and subregional organisations on how to improve the availability of materiel for peacekeeping. The Inquiry urges that new momentum be given to solving the recurrent need for logistical support for troop contingents from developing countries.

- **Ensuring that mandates fully meet the needs on the ground.** The overriding concern in formulating mandates must be what presence is needed on the ground, not short-term financial constraints. The Security Council should be presented with proposals reflecting the real needs of a mission, not ones tailored to a previously perceived consensus. Mandates must be made robust enough already from the beginning of a mission. They should also be flexible enough to allow the Force Commander the lee-way to adapt to changing circumstances on the ground.

- **Ensuring that the leadership of an operation arrives in a well-planned manner.** The Special Representative of the Secretary-General should be appointed early, should preferrably have experience from peace negotiations which may have preceded a peacekeeping mission, and should be among the first to take up his post in the mission area. Good cooperation between the civilian and military leadership of a mission is essential.

- **Ensuring full coordination between the Secretariat and other affected agencies in the planning and deployment of peacekeeping operations.** It is also important to further improve coordination and cooperation between peacekeeping operations and NGOs active in the mission area.

- **Ensuring that Lessons Learned from previous missions are integrated into the planning of new peacekeeping operations.**

- **Improve cooperation between the United Nations on the one hand, and regional and subregional organizations on the other.** Existing contacts could be intensified. not least in order to enhance concrete cooperation with respect to peacekeeping activities. Regular and direct contacts between the Security Council and representatives of regional and subregional organizations active in the field of peace and security should be increased.

- **There should never be any doubt as to which Rules of Engagement apply during the conduct of a peacekeeping mission.** Rules of Engagement must be given formal approval by Headquarters.

3. The United Nations – and in particular the Security Council and troop contributing countries – must be prepared to act to prevent acts of genocide or gross violations of human rights wherever they may take place. The political will to act should not be subject to double standards.

4. Improve the early warning capacity of the United Nations, in particular its capacity to analyse and react to information. Steps have been taken to improve the awareness of the need for early warning and early action within different parts of the Secretariat. Nonetheless, the Inquiry feels it essential both to continue to improve the capacity of the organization to analyse and respond to information about possible conflicts, and its operational capability for preventive action. Further enhancement of the cooperation between different Secretariat departments, UNSECOORD, programmes and agencies and outside actors, including regional and subregional organizations, NGOs and the academic world, is essential. As outlined under paragraph 1 above, the Inquiry believes that the prevention of genocide merits particular attention within the scope of early warning activities.

5. Improve efforts to protect civilians in conflict and potential conflict situations. Specific provisions related to the protection of civilian populations should be included in the mandates of peacekeeping operations wherever appropriate and ensure the necessary resources for such protection. In this context, the Inquiry supports intensified efforts by the Secretary-General and the Security Council to follow-up on the recommendations contained in the Secretary-General's recent report on the protection of civilians in armed conflict (S/1999/957).

A strong and independent role for the Secretary-General is an essential component in efforts by the United Nations to prevent conflict. The Secretary-General deserves the constant support of the membership of the organization in his attempts to promote an early resolution to conflict.

6. Seek further improvements in the security of United Nations and associated personnel, including local staff. The Secretary-General should actively consider expanding the possibility of evacuation to national staff of the United Nations. Members of the national staff must be kept clearly informed of the rules which apply to them. There should be no scope for misunderstanding about their status in the event of an evacuation.

7. Ensure full cooperation between officials responsible for the security of different categories of UN personnel in the field. Ensure functioning means of communication between such officials.

8. Improve the flow of information within the United Nations system. The trend towards a more coordinated approach to the prevention and resolution of conflicts means that information must be shared with all parts of the United Nations system

involved in such efforts. In particular, an effective flow of information must be ensured between the Executive Office of the Secretary-General and the substantive departments of the Secretariat as well as between Headquarters and the field.

9. Further improve the flow of information to the Security Council. When the Secretary-General does not personally brief the Security Council, that task should fall on the officer most qualified from the substantive point of view to do so, which is often the case today. The Inquiry supports the continuation of the practice of briefings by representatives of substantive departments, but also encourages direct participation in the consultations of the whole by the High Commissioners for Refugees and Human Rights, Special Representatives of the Secretary-General and when relevant, UN funds and programmes. The more direct the flow of information, the better.

10. Improve the flow of information on human rights issues. Information about human rights must be a natural part of the basis for decision-making on peacekeeping operations, within the Secretariat and by the Security Council. Reports by the Secretary-General to the Security Council should include an analysis of the human rights situation in the conflict concerned. Human rights information must be a brought to bear in the internal deliberations of the Secretariat on early warning, preventive action and peacekeeping. And increased efforts need to be made to ensure that the necessary human rights competence exists as part of the staff of UN missions in the field.

11. National evacuation operations must be coordinated with UN missions on the ground.

12. Membership of the Security Council. The fact that Rwanda was a member of the Security Council before and during the genocide was a problem. While recognizing the complexity of this issue, the Inquiry believes that consideration should be given in the course of ongoing discussions on the reform of the Council, to strengthening the possibility of other members of the Security Council or the General Assembly suspending the participation of a representative of a member state on the Council in exceptional circumstances such as that related to Rwanda. Article 27 (3) of the Charter of the United Nations, which provides that in decisions under Chapter VI, a party to a dispute shall abstain from voting in the Security Council, should be applied consistently. The difficulties inherent in the participation in Council action by the party to a conflict should also be borne in mind when electing new non-permanent members to the Council.

13. The international community should support efforts to rebuild Rwandan society after the genocide, paying particular attention to the need for reconstruction, reconciliation and respect for human rights. Donors should bear in mind the importance of balancing and meeting the needs of survivors, returning refugees and other groups affected by the genocide.

14. The United Nations should acknowledge its part of the responsibility for not having done more to prevent or stop the genocide in Rwanda. The Secretary-General should seek actively ways to launch a new beginning in the relationship between the United Nations and Rwanda, recognising the failures of the past but also establishing a commitment to cooperation in the future.

New York, 15 December 1999

(Signed) Ingvar Carlsson (Signed) Han Sung-Joo (Signed) Rufus M Kupolati

Annex I: Chronology of Events (October 1993 – July 1994)

1993

October 5: The Security Council unanimously adopted resolution 872 (1993), which established the United Nations Assistance Mission for Rwanda (UNAMIR) for a six-month period. This resolution was the response to the Secretary-General's proposal of 24 September 1993 (S/26488) that requested the establishment of UNAMIR with a peacekeeping force of 2,548 military personnel (including two infantry battalions). But the Security Council only authorised the deployment of one infantry battalion.

Resolution 872 also approved the Secretary-General's proposal that the United Nations Observer Mission Uganda-Rwanda (UNOMUR), established by Security Council resolution 846 (1993) of 22 June, should be integrated into UNAMIR.

The UNAMIR was assigned the following mandate: a) to contribute to the security of the city of Kigali, *inter alia*, within a weapons-secure area established by the parties in and around the city; b) to monitor observance of the cease-fire agreement, which calls for the establishment of cantonment and assembly zones and the demarcation of the new demilitarised zone and other demilitarisation procedures; c) to monitor the security situation during the final period of the transitional government's mandate, leading up to the elections; d) to assist with mine clearance, primarily through training programmes; e) to investigate at the request of the parties, or on its own initiative, instances of alleged non-compliance with the provisions of the Protocol of Agreement on the Integration of the Armed Forces of the Two Parties, and to pursue any such instances with the parties responsible and report thereon as appropriate to the Secretary-General; f) to monitor the process of repatriation of Rwandese refugees and resettlement of displaced persons to verify that it is carried out in a safe and orderly manner; g) to assist in the coordination of humanitarian assistance activities in conjunction with relief operations; and h) to investigate and report on incidents regarding the activities of the gendarmerie and police.

October 21: In a military coup in Burundi, Hutu President Melchior Ndadaye, who was elected on 1 June 1993, was killed. Tens of thousands were killed and up to 600,000 refugees (including 375,000 into Rwanda) fled into neighbouring countries.

The Hutu extremists in Rwanda claimed that the coup in Burundi proved that Tutsi were reluctant to share power with Hutu.

October 22: UNAMIR's Force Commander, Brigadier-General Romeo A. Dallaire of

Canada, arrived in the capital city of Kigali.

October 27: An advance party of 21 military personnel of UNAMIR arrived in Kigali.

November 1: The Organization of African Unity (OAU) Neutral Military Observer Group (NMOG II) was integrated into UNAMIR.

November 7: The Military Observer Group, consisting of elements of the advanced party of UNAMIR and NMOG II, became operational. The Group monitored the situation of the southern border of Rwanda following the coup in Burundi.

November 23: The Secretary-General's Special Representative, Dr. Jacques-Roger Booh Booh of Cameroon, arrived in Kigali.

Dallaire sent Headquarters a draft set of Rules of Engagement (ROE) for UNAMIR, seeking the approval of the Secretariat.

November: The Secretary-General, in his report of 30 December 1993 (S/26927), noted that some 60 civilians were brutally killed in the two separate incidents taking place in the vicinity of Ruhengeri during the month of November.

December 7: Massive flow of Burundese refugees into Rwanda and allegations of cross-border military movement along the Rwanda-Burundi border limited the operations of the Military Observer Group. The Secretary-General instructed Under-Secretary-General for Political Affairs, Mr James O. C. Jonah, who was in Burundi to attend the funeral of President Ndadaye, to visit the southern border area of Rwanda and assess the situation.

Jonah also visited Kigali and discussed the Burundese crisis with the President of Rwanda, Juvenal Habyarimana. In this meeting, Jonah warned the President that he had information that killings of the opposition were being planned, and that the United Nations would not stand for this.

December 10: Booh Booh convened a meeting between the Government of Rwanda and the RPF in Kinihira, 80 kilometres from Kigali, at which the two sides had agreed to set up the Broad-based Transitional Government (BBTG) by 31 December 1993 (The original target date of establishing a transitional government was 10 September 1993, according to the Arusha Peace Agreement, which was signed by Habyarimana and Alexis Kanyarengwe, the leader of the RPF, on 4 August 1993).

December 15: The UNAMIR deployment of Kigali was completed.

French troops, who had been stationed in Rwanda since 5 October 1990 in response to the invasion of the Tutsi-dominated Rwandese Patriotic Front (RPF) from southern Uganda to Rwanda on 1 October 1990, withdrew from the

country.

December 20: Security Council resolution 891 (1993) extended the mandate of UNOMUR for another six months from 22 December 1993 to 21 June 1994.

December 22: The KWSA agreement was approved by all of the parties.

December 24: The KWSA was established in and around Kigali.

December 27: Phase 1 of the UNAMIR deployment proceeded as scheduled, consisting of a total of 1,260 military personnel drawn from 19 countries, *i.a.*, Austria (5), Bangladesh (564), Belgium (424), Botswana (9), Brazil (13), Canada (2), the Congo (25), Fiji (1), Ghana (37), Hungary (4), Mali (10), the Netherlands (10), Poland (5), Senegal (39), Slovakia (5), Togo (15), Tunisia (61), Uruguay (21) and Zimbabwe (10). These figures included the 81 military observers serving with UNOMUR.

By the end of phase 1, the operation was to number 1,428 military personnel.

December 28: UNAMIR accompanied 600 RPF troops to Kigali (called Operation Clean Corridor). An RPF battalion was installed at the Conseil Nationale de Developpement (CND) complex in Kigali in accordance with the Arusha Agreement. The RPF was expected to participate in the establishment of the BBTG.

December 30: In his report on UNAMIR (S/26927), the Secretary-General stressed that the situation remained unstable in Rwanda and urged the Security Council to authorise an early deployment of the second infantry battalion.

December 31: The Government of Rwanda and the RPF failed to establish the BBTG. The security situation in Rwanda continually deteriorated.

1993 December – 1994 March: UNAMIR had often witnessed inflammatory broadcasts by Radio-Television TV Libre des Mille Collines (RTLM) which was set up with the assistance of Mr Felicien Kabuga, the father-in-law of a son of President Habyarimana, and the Akazu, the President's inner circle. The RTLM had broadcast that the RPF had returned to restore Tutsi hegemony, labelling all Tutsi as RPF supporters and exhorting Hutu peasants to decapitate Tutsi.

1994

January 1: Rwanda became a non-permanent member of the Security Council.

January 6: The Security Council adopted resolution 893 (1994), approving deployment of the second infantry battalion to the De-militarised Zone (DMZ) and requesting UNAMIR to continue its assistance to the peace process in Rwanda. The Security Council stressed that its continued support for UNAMIR would depend upon the two warring parties' full and prompt implementation of the Arusha Agreement. The Secretary-General was requested to monitor the size and cost of the mission to seek economies.

In Kigali, Booh Booh and Dallaire met Habyarimana to urge him to be flexible in finding a solution to the deadlock of establishing the BBTG. In this meeting, Dallaire informed the President that he was informed that weapons were being distributed by the President's supporters.

January 7: Booh Booh met with the RPF leaders and urged them to work actively for the installation of the BBTG.

January 11: There was an exchange of cables between UNAMIR and the Department of Peacekeeping Operations (DPKO).

Dallaire sent a cable to the Military Adviser to the Secretary-General at Headquarters, Major-General J. Maurice Baril, informing that a Hutu informant, a top level trainer in the cadre of Interahamwe (the largest and most deadly Hutu militia who were recruited from the youth wing of the President's party, Mouvement Revolutionnaire National pour le Developpement, MRND), had told him that Interahamwe were registering all Tutsi in Kigali and planning to exterminate them. The informant also said that a number of Belgian soldiers were to be killed in order to guarantee Belgian withdrawal from Rwanda. In this cable, Dallaire said he intended to take action to raid the extremists' arms cache.

The first response from Headquarters to UNAMIR was sent on the evening of 10 January New York time. It was a code cable from the Under-Secretary-General for Peacekeeping Operations, Mr Kofi Annan (which was signed off by Assistant Secretary-General for DPKO, Mr Iqbal Riza), to Booh Booh. In this cable, Annan requested Booh Booh's considered assessment and recommendations, but said "No reconnaissance or other action, including response to request for protection, should be taken by UNAMIR until clear guidance is received from Headquarters."

Booh Booh replied to Annan in a cable also dated 11 January, describing a meeting which Dallaire and the political adviser to Booh Booh, Dr Abdula Kabia, had had with the Prime Minister Designate, Mr Faustin Twagiramungu, who expressed his total confidence in the informant.

Later the same day, Annan sent a reply cable (signed off by Riza) to Booh Booh

and Dallaire, instructing them to immediately inform Habyarimana of the activities of the Interahamwe militia and make demarche to him. They were also instructed to meet the Ambassadors of Belgium, France and the United States in Kigali before their meeting with the President to ask them to consider making similar demarches.

January 12: As instructed by Headquarters, Booh Booh and Dallaire met with Representatives of the three countries, who had expressed serious concern and had said that they would consult with their capitals.

Booh Booh and Dallaire then met with the President and conveyed the message as instructed. In his cable to Annan, dated 13 January, Booh Booh said that the President had appeared alarmed by the tone of the demarche. He had denied knowledge of the activities of the militia and had promised to investigate.

Booh Booh and Dallaire also met with the President and National Secretary of the MRND, who both denied that their Party militia was involved in the alleged activities. Booh Booh and Dallaire urged them to investigate and to report back to UNAMIR as early as possible.

January 14: The Secretary-General in Geneva telephoned Booh Booh, asking to meet Habyarimana and convey the Secretary-General's concern over the deterioration of the situation in Rwanda and the prolonged delay in the setting up of the BBTG. Booh Booh informed the Secretary-General of his efforts of finding a solution in cooperation with four Ambassadors from the United States, France, Belgium and Tanzania.

Habyarimana telephoned the Secretary-General. The President said that he had received the four Ambassadors and Booh Booh and needed both the Ambassadors' and Booh Booh's support in order to impose a solution on the parties. In this phone conversation, the Secretary-General asked the President to do his best to resolve the problem.

January 27: The Secretary-General sent a letter to Habyarimana to express concern over delays in establishing a transitional government and national assembly in Rwanda.

February 2: In a cable to Annan and Jonah, Booh Booh noted that the security situation had deteriorated significantly and made clear that the President never informed UNAMIR of any follow-up to the information he was confronted with on 12 January. Booh Booh also requested Headquarters for prompt arms recovery operation, warning that if the arms continued to be distributed, UNAMIR would be unable to carry out its mandate.

February 7, 10, and 13: Booh Booh convened a series of all-party meetings at the UNAMIR headquarters, at which a new deadline of 14 February was fixed for

setting up the BBTG.

February 10: The Senior Political Adviser and Special Representative of the Secretary-General on the Security Council, Mr Chinmaya Gharekhan, informed the Council that the failure of setting up of the BBTG had created a deterioration of Rwanda's security and economic situation.

February 14: The Minister for Foreign Affairs of Belgium, Mr Willy Claes, sent a letter to the Secretary-General, expressing concern that the worsening situation in Rwanda might impede UNAMIR's capacity to fulfil its mandate. In this letter, Claes argued in favour of a stronger mandate for UNAMIR.

February 15: In a meeting with representatives of France, the United States, Belgium and Germany, Booh Booh and Dallaire reiterated their concern about the worsening security situation.

February 17: In a presidential statement (S/PRST/1994/8), the President of the Security Council expressed deep concern about the deteriorating security situation in Rwanda, reminded parties of their obligation to respect he KWSA, and called for the prompt installation of the BBTG.

February 18: The 14 February target date for the installation of the transitional institutions was reset for a new deadline of 22 February.

February 19: The Security Council's presidential statement of February 17 was handed over to Habyarimana.

February 21-22: Tensions rose throughout the country as Minister of Public Works and Secretary of the Parti Social Democrate (PSD), Mr Felicien Gatabazi, and the President of the Coalition pour la Defense de la Republique (CDR), Mr Martin Bucyana, were killed. The PSD was the second largest of the main opposition parties. The CDR was an extremist party which initially supported Habyarimana, but went into opposition when it found him too moderate.

February 23: In his cable to Headquarters, Dallaire said that information regarding weapons distribution, death squad target lists, planning of civil unrest and demonstrations abounded.

The UN High Commissioner for Refugees (UNHCR) Special Representative, Mr Michel Moussali, called for action to restore stability in Rwanda, warning of possible "bloodbath of unparalleled proportions."

February 24: The Secretary-General telephoned Habyarimana and stressed the need for urgent action to break the political deadlock and for the establishment of the transitional institutions.

February 28: With the increasingly deteriorated security situation in Kigali, UNAMIR redeployed 200 troops to Kigali from the Ghanaian battalion stationed in the northern DMZ.

March 1: The Secretary-General received a special envoy of Habyarimana, the Minister for Transport and communications, Mr Andre Ntagerura. In this meeting, the Secretary-General warned that the United Nations would withdraw UNAMIR unless progress was achieved in Rwanda.

March 22: The number of UNAMIR troops reached 2,539 from 24 participant countries including 440 Belgians, 843 Ghanaians and 942 Bangladeshis.

March 30: The Secretary-General's report to the Security Council (S/1994/360) expressed serious concern over the deterioration of the security situation in Rwanda, and especially in Kigali. He requested an extension of the mandate of UNAMIR for a period of six months.

April 5: The Security Council unanimously adopted resolution 909 (1994), extending the mandate of UNAMIR until 29 July with a six-week review provision on the understanding that progress would be made in the installation of the BBTG. The Security Council recalled that continued support for UNAMIR would depend upon full and prompt implementation by the parties of the Arusha Agreement. The Council reiterated its request to the Secretary-General to continue to monitor the size and cost of UNAMIR to seek economies.

April 6: At approximately 20.30, Habyarimana and President Cyprien Ntariyamira of Burundi, who were returning from a regional summit in Dar es Salaam, Tanzania, were killed in a plane crash just outside the Kigali airport.

Within an hour of the plane crash, roadblocks were set up at many streets in Kigali and the killings started, initiated by the Interahamwe militia and the Impuzamugbmi (Hutu militia drawn from the youth wing of the CDR) and the units of the Presidential Guards. The first target for elimination was political leaders.

The UNAMIR patrol had been sent to investigate the crash, but was stopped on the way by the Presidential Guards. At 22.10, Dallaire telephoned Riza to brief him on the situation.

April 7: Early in the morning, the number of the guards in the residence of the Prime Minister, Mrs Agathe Uwilingiyimana, was increased with a group of soldiers dispatched from the airport to the residence of the Prime Minister.

The RTLM broadcast that the RPF and a contingent of United Nations forces were responsible for the crash of the presidential plane.

During the morning, the Prime Minister sought refuge at the United Nations Volunteer (UNV) compound in Kigali, but members of the Presidential Guards broke into the compound and shot the Prime Minister.

10 UNAMIR Belgian peacekeepers, who were assigned to protect her, were tortured and murdered.

Gharekhan made an oral report to the Security Council about the serious situation and implications for the civilian population.

The Security Council's presidential statement (S/PRST/1994/16) condemned all the acts of violence in Rwanda and urged the Rwandese security forces and military and paramilitary units to stop violence and to cooperate fully with UNAMIR in the implementation of its mandate.

April 8: The so-called Interim Government was established. The RPF rejected its authority, declaring that it was the old government in another form.

RPF units in the DMZ moved into Kigali. UNAMIR attempted to secure a cease-fire and protect civilian populations and United Nations personnel.

The Secretary-General sent a letter from Geneva to the President of the Security Council, informing him that UNAMIR had put intensive efforts into securing agreement on a cease-fire in Kigali and promoting the establishment of an interim political authority to fill the current vacuum. He was also concerned about the safety and security of the civilian population and of the foreign nationals living in Rwanda as well as of UNAMIR and other members of United Nations staff.

April 8-9: Six hundred French soldiers arrived in Kigali in order to evacuate expatriates and other nationals.

April 9: In a cable to Booh Booh and Dallaire, Annan instructed them to cooperate with both the French and Belgian commanders to facilitate the evacuation of foreign nationals.

Riza briefed the Security Council on widespread fighting and disorder in Rwanda.

April 10: Belgian paratroopers arrived in Kigali and conducted Operation Silver Back to rescue citizens and other expatriates.

April 11: After the expatriates had been evacuated, the Belgian UNAMIR forces, which were stationed at the Ecole Technique Officielle (ETO) at Kicukiro, left. At that time, up to 2,000 civilians had sought refuge at ETO.

Riza again informed the Security Council that the situation continued to deteriorate and that the fighting had intensified. Riza also advised the Council that the RPF demanded that all foreign troops promptly leave Rwanda.

April 12: As fighting between the government forces and the RPF intensified, the so-called Interim Government moved from Kigali to Gitarama, 40 kilometres south-west of Kigali.

The Secretary-General had a meeting with the Belgian Foreign Minister, Claes, in Bonn. In this meeting, Claes recommended the withdrawal of UNAMIR from Rwanda, informing the Secretary-General of the Belgian decision to withdraw its units from Rwanda.

April 13: The Secretary-General sent a letter to the President of the Security Council, informing him about the Belgian position. In this letter, the Secretary-General assessed that the Belgian withdrawal would make the effective operations of UNAMIR extremely difficult and such situations might necessitate the withdrawal of UNAMIR.

Nigeria presented a draft resolution, on behalf of the Non Aligned (NAM) Caucus, calling for expanding the size and mandate of UNAMIR. Nigeria stressed that the concern of the Security Council should not be limited to the security of United Nations personnel and foreigners but should also include the innocent civilians of Rwanda.

The RPF Representative at the United Nations, Mr Claude Dusaidi, in his letter to the President of the Security Council, said that "a crime of genocide" had been committed against the Rwandan people in the presence of a United Nations International force. He requested the Council to immediately set up a United Nations war crimes tribunal and apprehend those responsible for the massacres.

DPKO presented two alternatives based on the withdrawal of the Belgian contingent from UNAMIR, sending them to UNAMIR for its comments and to the Secretary-General, who was visiting Madrid, for his approval. The first option was to retain a reduced UNAMIR after departure of the Belgian battalion, while the second was an immediate reduction of UNAMIR, simultaneously with the Belgian withdrawal, to a functional political nucleus with some protection for troops (a total of 200-250 all ranks and civilian staff).

Dallaire responded expressing support for the first option. In a separate cable, Dallaire made clear the calamitous consequences of the Belgian withdrawal.

Gharekhan informed Annan about the Secretary-General's preference for the first option.

April 14: The Assistant Secretary-General for Political Affairs, Mr Alvaro de Soto, informed the Security Council that the Secretary-General's letter to the President of the Security Council, dated 13 April, was not intended to withdraw UNAMIR.

Riza made an oral presentation to the Council about the Secretary-General's options. A combination of the two options elaborated by DPKO on 13 April was mentioned as the Secretary-General's own preferred option.

The Belgian contingent began to withdraw from UNAMIR.

After rescuing up to 1,361 persons, including some 450 French nationals and 178 Rwandan officials and their families such as the widow and close associates of Habyarimana, the last French troops left Rwanda.

April 15: Claes reiterated in a letter to the Security Council his recommendation that UNAMIR be suspended.

April 19: As Belgium flew out the last of its United Nations forces, UNAMIR's troops strength was reduced from 2,165 to 1,515, and the number of military observers from 321 to 190.

April 20: The Secretary-General submitted a report (S/1994/470) to the Security Council with three options:

i) Immediate and massive reinforcement of UNAMIR to stop the fighting and the massacres, requiring several thousand additional troops and enforcement powers under Chapter VII.

ii) Downsizing of UNAMIR (to 270 all ranks), acting as an intermediary between the parties and seek a cease-fire.

iii) Complete withdrawal of UNAMIR.

The Secretary General's spokesman announced that the Secretary-General preferred the first option and did not favour the third one.

April 21: The Security Council unanimously adopted resolution 912 (1994), adjusting UNAMIR's mandate and deciding to reduce the number of UNAMIR to 270 from 2,539 troops.

April 23: The Under-Secretary-General for Humanitarian Affairs, Mr Peter Hansen, led a team into Kigali to evaluate overall needs and to set priorities. Part of the team remained in Kigali to establish an advance humanitarian assistance office.

April 28: In the Security Council, Nigerian Ambassador Ibrahim A. Gambari stated that the discussion of Security Council on Rwanda in April 1994 had little to do with civilian massacres, but focussed on a cease-fire.

April 29: The Secretary-General's letter to the President of the Security Council (S/1994/518) urged the Council to re-examine its resolution of April 21, stressing that the revised mandate did not give UNAMIR the power to take effective action to halt the continuing massacres.

April 30, The Security Council issued a presidential statement (S/PRST/1994/21), condemning the slaughter of civilians in Rwanda, but the term "genocide" was not used in this statement.

The Secretary-General wrote to a number of African Heads of State to request them to provide troops. He also asked the Secretary-General of the OAU to support his request.

May 2: The Permanent Representative of Rwanda to the United Nations, Ambassador Jean-Damascene Bizimana, sent a letter to the President of the Security Council (S/1994/531), urging the strengthening of UNAMIR to ensure respect for the cease-fire and stabilise the situation in Rwanda.

May 3: Clinton signed a Presidential Decision Directive (PDD 25) which set strict conditions on the U. S. support for any future United Nations peacekeeping operation.

May 4: According to the United Nations Blue Book, the Secretary-General, in an interview with the United States television news programme *Nightline*, said, "Here you have a real genocide, in Kigali."

May 6: The President of the Security Council sent a letter to the Secretary-General (S/1994/546), requesting that he provide contingency plans for the delivery of humanitarian assistance and support for displaced persons in Rwanda.

May 9: In response to the letter on 6 May 1994 by the President of the Security Council, the Secretary-General handed-over a non-paper to the Council on the future of UNAMIR. This non-paper proposed the expansion of UNAMIR to at least 5,500 troops.

May 11: The Security Council held informal consultations on the Secretary-General's non-paper, at which Gharekhan briefed the members of the Council on the latest developments in Rwanda. He indicated that Booh Booh and Dallaire had been asked to discuss the non-paper with the government of Rwanda and the RPF and to seek their concurrence to it.

May 11-12: The United Nations High Commissioner for Human Rights, Jose Ayala Lasso, visited Rwanda to investigate serious violations of international humanitarian law committed in Rwanda during the conflict, as well as spoke both to representatives of the so-called Interim Government and the RPF.

May 13: The Secretary-General submitted a formal report (S/1994/565) to the Security Council with the same proposal he raised in the non-paper of 11 May 1994.

May 16: The Secretary-General met with Gharekhan and key Secretariat officals, including Annan and Under-Secretary-General for Department of Political Affairs, Mr Marrack Goulding, to discuss developments in Rwanda.

The Secretary-General issued a press statement, reaffirming his support for Booh Booh who had been facing accusations of partiality from the RPF.

May 17: The Security Council adopted resolution 918 (1994), expanding UNAMIR to a maximum of 5,500 military personnel and creating and mandating UNAMIR II to conduct a Chapter VI peacekeeping operation for humanitarian reasons (to protect displaced persons, refugees and civilians at risk and to support relief efforts in Rwanda).

Resolution 918 also strongly urged all parties to cease any incitement, especially through the mass media, to violence or ethnic hatred. In addition, this resolution imposed an arms embargo on Rwanda.

Mid-May: UNHCR opened a Kigali office to monitor the return of refugees and provide them with direct assistance.

May 18: The Secretary-General wrote to several African Heads of State and Government, requesting troops for UNAMIR II.

May 19: Ayala Lasso's report to the Commission on Human Rights was published. In his report, Ayala Lasso proposed the appointment of a Special Rapporteur on Human Rights in Rwanda, assisted by human rights monitors.

May 20: Annan forwarded a request from the Secretary-General to Booh Booh that the Special Representative base himself in Nairobi for the following weeks and seek the support of the governments in the region.

May 21: The RPF captured the Kigali airport and refused to relinquish its control to UNAMIR II as called for in resolution 918.

May 22-27: The Secretary-General sent Riza and Baril to Rwanda. Their special mission was to move the warring parties towards a cease-fire, to ascertain from them their views on and intentions towards the implementation of resolution 918, and to review with the UNAMIR the modalities of the concept of operations outlined in the Secretary-General's report of 13 May 1994.

While the special mission was in Rwanda, Booh Booh, based in Nairobi, was visiting other countries in the region to obtain their contribution of troops for UNAMIR's expanded mandate established by resolution 918.

May 25: The Secretary-General, at a press conference at Headquarters, called the killings in Rwanda a genocide (SG/SM/5297/Rev.1).

The Commission on Human Rights appointed Mr Rene Degni-Segui as a Special Rapporteur on Human Rights in Rwanda and called upon all warring parties to cease immediately all human rights violations.

May 31: The Secretary-General reported to the Council on the special mission by Riza and Baril, recommending that the Council authorise the expanded UNAMIR mandate for an initial period of six months (S/1994/640). This report formally included the word "genocide."

June 3: The RPF wrote a letter to the Secretary-General, responding positively to the reference to genocide in the Secretary-General's report of 31 May, and calling on the Security Council to declare that the atrocities were a genocide. The RPF letter also called on the Security Council to adopt a resolution endorsing the jamming or destruction of radio RTLM and to take measures to suspend Rwanda from the Security Council.

June 8: The Security Council adopted resolution 925 (1994), extending the UNAMIR mandate from 29 July 1994 until 9 December 1994 and endorsing the immediate deployment of the two additional battalions.

Resolution 925 also requested the Secretary-General to ensure that UNAMIR's close cooperation with the Department of Humanitarian Affairs of the Secretariat and the United Nations Rwanda Emergency Office, and the Special Rapporteur of the Commission on Human Rights.

June 9-20: The Special Rapporteur of the Commission on Human Rights, Degni-Segui, conducted his first field mission to Rwanda and neighbouring countries to investigate violations of human rights, particularly crimes against humanity and genocide.

June 16: The Secretary-General reported UNOMUR's activities for the period from 22 December 1993 to 21 June 1994, recommending that its mandate be extended for three months until 21 September 1994 (S/1994/715).

June 18: UNAMIR consisted of a total force of 503 all ranks (354 troops, 25 military staff personnel and 124 military observers) under Dallaire's command.

June 19: In a letter to the President of the Security Council (S/1994/728), the Secretary-General stressed the need to halt the genocide, secure a cease-fire and resume the Arusha Agreement. He also suggested that the Council consider the offer of the French government to undertake a French-led multinational operation to assure the security and protection of displaced persons and civilians at risk in

Rwanda until UNAMIR was brought up to strength.

June 20: Dallaire sent Annan a cable entitled, "An Assessment of the Proposed French-led Initiative in the Rwa. dese Crisis." In this cable, Dallaire raised several potential issues of concern regarding the proposed Operation Turquoise.

The Security Council adopted resolution 928 (1994), extending UNOMUR's mandate to 21 September 1994 and providing for the mission to be phased out by that date.

June 21: The Permanent Representative of France to the United Nations, Mr Jean-Bernard Merimee, sent a letter to the Secretary-General (S/1994/734), requesting adoption of a resolution under Chapter VII of the Charter of the United Nations as a legal framework for the deployment of a multinational force to maintain a presence in Rwanda until the expanded UNAMIR was deployed.

Dallaire decided to evacuate 42 peacekeepers from Congo, Senegal and Togo and to replace them with United Nations personnel from Nairobi, due to the RPF's negative reactions caused by their participation in Operation Turquoise.

June 22: The Secretary-General participated in informal consultations and argued in favour of an urgent decision to authorise the French-led multinational operation.

Later that day, the Security Council adopted resolution 929 (1994), authorising Member States to conduct a multinational operation for humanitarian purposes in Rwanda until UNAMIR was brought up to strength. The vote resulting in 10 votes in favour and 5 abstentions (Brazil, China, New Zealand, Nigeria, Pakistan)

On this day, French and Senegalese forces began Operation Turquoise.

June 30: The report of the Special Rapporteur of the Commission of Human Rights recommended either the creation of an international court to try those responsible for the massacres in Rwanda or an extension to the mandate for the international tribunal dealing with crimes committed in former-Yugoslavia.

Late June: Rwandese government forces weakened as the RPF intensified its offensive to take control of Kigali and to seize other government-controlled areas between Kigali and the border with Zaire.

July 1: The Security Council resolution 935 (1994) requested the Secretary-General to establish an impartial Commission of Experts to examine and analyse information on the violations of international humanitarian law and possible acts of genocide in Rwanda.

The Permanent Representative of France to the United Nations sent a letter to the Secretary-General to inform of the French government's intention to establish a safe humanitarian zone in the Cyangugu-Kibuye-Gikongoro triangle in south-west Rwanda.

July 2: The Secretary-General transmitted the letter of the Permanent Representative of France to the United Nations to the President of the Security Council (S/1994/798).

July 3: A confrontation occurred between the RPF members and French forces attached to Operation Turquoise.

July 4: The newly appointed Special Representative, Mr Mohamed Shahryar Khan of Pakistan, who succeeded Booh Booh, arrived in Kigali.

The RPF forces captured Kigali.

July 6: The Security Council discussed the intention of the French letter of 1 July to create the zone in informal consultations where several delegations raised questions about the nature of the proposal. No formal response by the Security Council was given to the French letter.

July 9: Operation Turquoise troops began deployment into the humanitarian protection zone in south-west Rwanda.

By early July, Operation Turquoise troops consisted of 2,330 French soldiers and 32 Senegalese.

July 14: The RPF gained control of the so-called Interim Government's stronghold at Ruhengeri, the main town in north Rwanda, causing a massive exodus of Rwandan Hutu.

The Security Council issued a presidential statement (S/PRST/1994/34), expressing alarm over massive refugee exodus and demanding an immediate cease-fire and the resumption of the political process in the framework of the Arusha Agreement.

July 17: Gisenyi, the last bastion of the government forces, fell to the RPF. The United nations Rwanda Emergency Office Liaison in Goma, Zaire, reported that over a million Rwandese had crossed into Zaire. Concern was expressed that a further outflow might follow from the Humanitarian Protection Zone under Operation Turquoise.

July 18: The RPF had gained control over the whole of Rwanda except the Humanitarian Protection Zone controlled by Operation Turquoise. The RPF

unilaterally declared a cease-fire.

July 19: In Kigali, the Government of National Unity was sworn in for a transitional period set at five years, with Mr Pasteur Bizimungu as President and Major-General Paul Kagame as Vice-President, and Mr Faustin Twagiramungu as Prime Minister.

July 22: The Secretary-General launched the United Nations Consolidated Inter-Agency Appeal for victims of the crisis in Rwanda.

July 26: The Secretary-General's report on the establishment of the Commission of Experts on Rwanda (S/1994/879) was submitted, pursuant to resolution 935 (1994), to the Security Council.

July 29-31: Degni-Segui made his second visit to Rwanda to investigate the situation since his previous visit in June. He urged the deployment of field experts to help in Rwanda's reconstruction and the return of refugees to their homes.

July 31: France began to withdraw Operation Turquoise troops.

Annex II: A List of Persons Interviewed

I. United Nations Officials
(position held during the Rwandan crisis in 1994 in parentheses)

Boutros Boutros-Ghali, Secretary-General of Organisation Internationale de la Francophonie
(Secretary-General of the United Nations)

Kofi Annan, Secretary-General of the United Nations
(Under-Secretary-General for Peacekeeping Operations)

Hedi Annabi, Assistant-Secretary-General for Peacekeeping Operations
(Director of Africa Division, DPKO)

Henry K. Anyidoho
(Deputy Force Commander of UNAMIR)

Maurice Baril, Genl, Chief of Defence Staff, Canada
(Military Adviser to the Secretary-General)

Jacques-Roger Booh Booh
(Special Representative of the Secretary-General for Rwanda)

Hans Corell, Under-Secretary-General for Legal Affairs

Romeo A. Dallaire, Lt Genl, Special Adviser to the Chief of Defence Staff, Canada
(Force Commander of UNAMIR)

Jan Eliasson, State Secretary for Foreign Affairs, Sweden
(Under-Secretary-General for Humanitarian Affairs)

Ibrahima Fall, Assistant Secretary-General for Political Affairs
(Director of the Center for Human Rights)

Jean-Francois Gascon, Representative a.i. FAO Kigali

Ghenet Guebre-Christos, UNHCR Representative , Acting Resident Coordinator, Kigali

Chinmaya Gharekhan
(Senior Political Adviser and Special Representative of the Secretary-General on the Security Council)

Marrack Goulding, Warden, St Antony's College Oxford
(Under-Secretary-General for Political Affairs)

Peter Hansen, Commissioner-General, UNRWA
(Under-Secretary-General for Humanitarian Affairs)

James O. C. Jonah, Minister of Finance, Sierra Leone
(Under-Secretary-General for Political Affairs)

Leonard Kapungu, Chief, Lessons Learned Unit, DPKO

Mohamed Shaharyar Khan, Ambassador of Pakistan, France
(Special Representative of the Secretary-General for Rwanda)

Luc Marchal, Col.
(Kigali Sector Commander, UNAMIR)

Bernard Muna, Deputy Prosecutor of the ICTR

Waly Bacre Ndiaye, Director of the New York Office of the High Commissioner for Human Rights
(Special Rapporteur of the United Nations Commission on Human Rights)

Sadako Ogata, UN High Commissioner for Refugees

Kieran Prendergast, Under-Secretary-General for Political Affairs

Isel Rivero, Director, UN Information Centre, Madrid
(Desk Officer for UNAMIR, DPKO)

Iqbal Riza, Chef de Cabinet, EOSG
(Assistant Secretary-General for Peacekeeping Operations)

R. Gordian Rugarabamu, Assistant Resident Representative, UNDP Dar es Salaam
(Member of UN team at Arusha talks)

Diana Russler, Deputy United Nations Security Coordinator

Daphna Shraga, Senior Legal Officer, OLA

Sergio Vieira de Mello, Under-Secretary-General for Humanitarian Affairs

Ralph Zacklin, Assistant Secretary-General for Legal Affairs

Representatives of the local staff of the United Nations in Kigali

Heads of United Nations Agencies in Kigali

II Member States

Rwanda
Pasteur Bizimungu, President
Vincent Biruta, Acting Prime Minister and Minister for Public Works, Transport and Communications
Francois Ngarambe, Minister of Youth, Culture and Sports
Bonaventure Niyibizi, Minister of Energy, Water and Natural Resources
Joseph Nsengimana, Minister of Land, Resettlement and Environmental Protection
Charles Ntakirutinka, Minister of Social Affairs
Constance Rwaka, Secretary-General, Ministry for Foreign Affairs
Protais Musoni, Secretary-General, Ministry of Local Government
Joseph W Mutaboba, Permanent Representative to the United Nations
M Kamanzi, Lt. Col.

Ndoba Gasana, National Human Rights Commission
Aloysie Inyumba, National Unity and Reconciliation Commission
Denis Polisi, MP

Belgium
Pierre Chevalier, State Secretary for Foreign Trade, Ministry for Foreign Affairs
Alain Destexhe, Senator, Belgian Senate Inquiry (Commission d'enquête parlementaire concernant les événements du Rwanda)

Czech Republic
Karel Kovanda, former Permanent Representative to the United Nations

France
Hubert Védrine, Minister for Foreign Affairs
Paul Quilès, Chairman, French Parliamentary Inquiry (Enquête sur la tragedie rwandaise 1990-1994)
Bernard Cazeneuve, Rapporteur, French Parliamentary Inquiry

Kenya
Bonaya A Godana, Minister for Foreign Affairs
BK Mbaya, Director for Political Affairs

New Zealand
Colin Keating, Secretary of Justice, former Permanent Representative to the United Nations

Nigeria
Ibrahim A. Gambari, former Permanent Representative to the United Nations

South Africa
Nelson Mandela, former President

Uganda
Yoweri Museveni, President

Tanzania
Benjamin Mkapa, President
John Malecela, former Prime Minister
Emmanuel Mwalumbulukutu, Deputy Minister for Foreign Affairs

United States
William Wood, Principal Deputy Assistant Secretary of State for International Organizations
Richard Bogosian, Ambassador
David Rawson, former Ambassador to Rwanda
Cynthia McKinney, Congresswoman, House of Representatives

III Survivors:

The Inquiry met with a number of survivors of the genocide, and their representatives, in Rwanda, Belgium and the United States. Among those whose accounts are explicitly referred to in this report are

Representatives of the survivors from the ETO
Ms Louise Mushikiwabo
Mrs Annonciata Kavaruganda
Mrs Florida Mukeshimana Ngulinzira

IV. Families of the ten Belgian peacekeepers killed on 7 April

V. Expatriate community of Kigali

Pierre Antonio Costa, Consul, Italian Cooperation
Dr. De Porter and Dr. Vincke

VI. Non-governmental organizations (Rwanda)

Representatives of
Concern (Chair of NGO Forum)
IBUKA (Association of Genocide Survivors)
ASOFERWA (Association de Solidarite des Femmes Rwandaises)
CLADHO (Collectif des Ligues et Associations de Defense des Droits de L'Homme)
LIPRODHOR (Ligue Rwandaise pour la promotion et la defense des Droits de l'Homme)
CARE International
CRS

Rakiya Omaar, Africa Rights

VII Academics and experts

Howard Adelman, Professor, York University
Alison DesForges, Human Rights Watch
Adama Dieng, International Commission of Jurists
Michael Doyle, Professor, Princeton University
Barbara Harff, Professor, US Naval Academy
Arthur Klinghoffer, Professor, Rutgers University
Machivenyika Tobias Mapuranga, Ambassador, Secretary for Foreign Affairs, Harare, Zimbabwe
Gerard Prunier, Professor, CNRS, Paris
Filip Reyntjens, Professor, University of Antwerp

VIII International Committee of the Red Cross

Cornelio Sommaruga, President

Annex III : Abbreviations

BBTG	Broad-based Transiti nal Government
CDR	Coalition pour la Defense de la Republique
CND	Conseil National du Developpement
DMZ	De-militarized Zone
DPA	Deparıment of Political Affairs
DPKO	United Nations Department of Peacekeeping Operations
EOSG	Executive Office of the Secretary-General
ETO	Ecole Technique Officielle
FALD	Field Administration and Logistics Division, DPKO
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
KWSA	Kigali Weapons Secure Area
MRND	Mouvement Revolutionnaire National pour le Developpement
NAM	Non-Aligned Movement
NGO	Non-governmental Organization
NIF	Neutral International Force
NMOG II	OAU Neutral Military Observer Group
OAU	Organization of African Unity
PDD25	U. S. Presidential Decision Directive 25
PSD	Parti Social Democrate
ROE	Rules of Engagement
RGF	Rwandese Government Forces

RPF	Rwandese Patriotic Front
RTLM	Radio-Television Libre des Mille Collines
SRSG	Special Representative of the Secretary-General
UNAMIR	United Nations Assistance Mission for Rwanda
UNHCR	United Nations High Commissioner for Refugees
UNOMUR	United Nations Observer Mission Uganda-Rwanda
UNV	United Nations Volunteer